

DR/33/13

committee DEVELOPMENT & REGULATION

date 23<sup>rd</sup> August 2013

### MINERALS AND WASTE DEVELOPMENT

**Proposal:** Continuation of development for an anaerobic digestion plant including combined heat and power with associated offices and new access without compliance with condition 2 (Compliance with Submitted Details) and 15 (Provision and Maintenance of Parking Areas) attached to planning permission ESS/25/10/BTE to allow amendments to the design of the scheme.

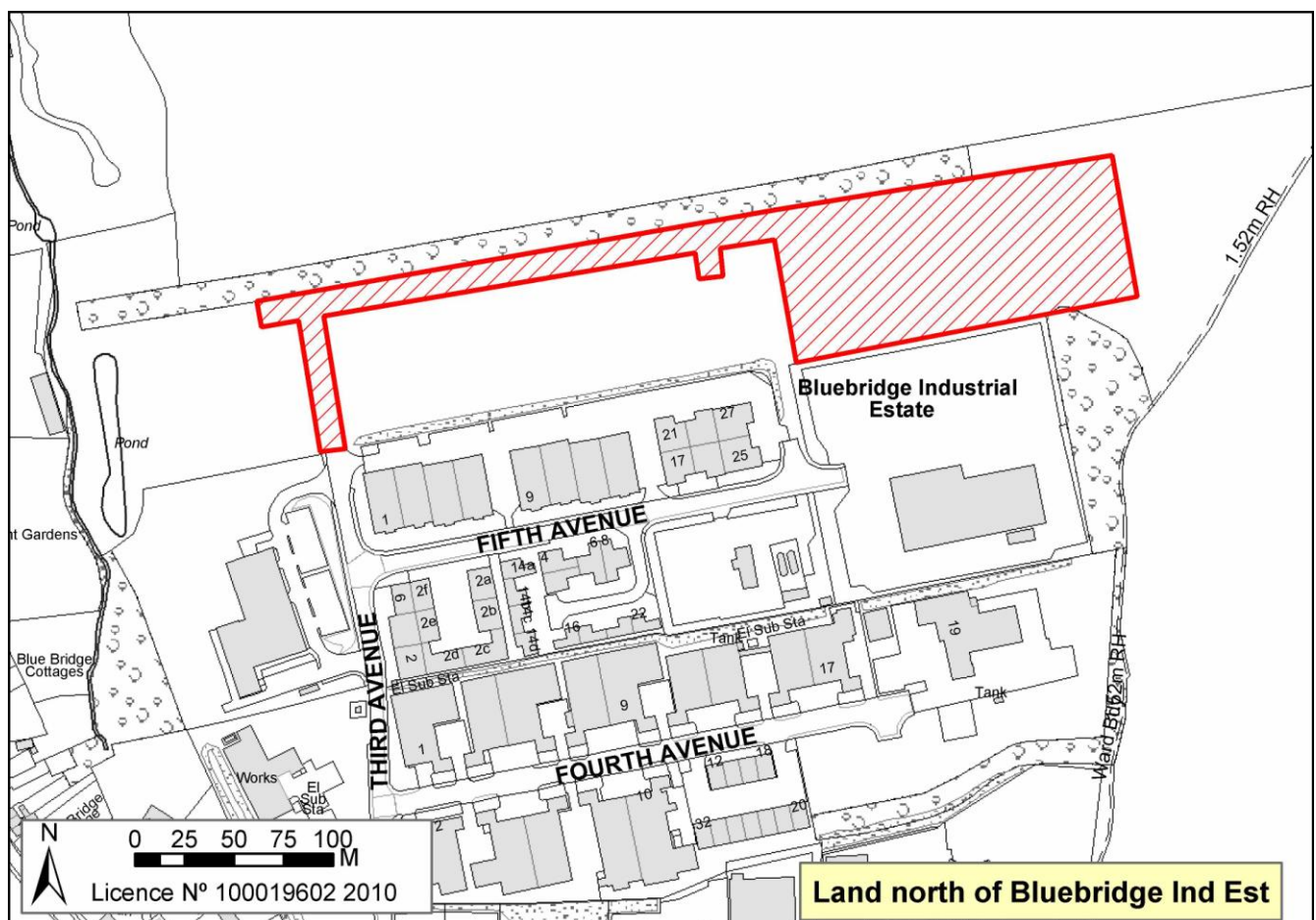
**Location:** Land north of Bluebridge Industrial Estate, Halstead, Essex

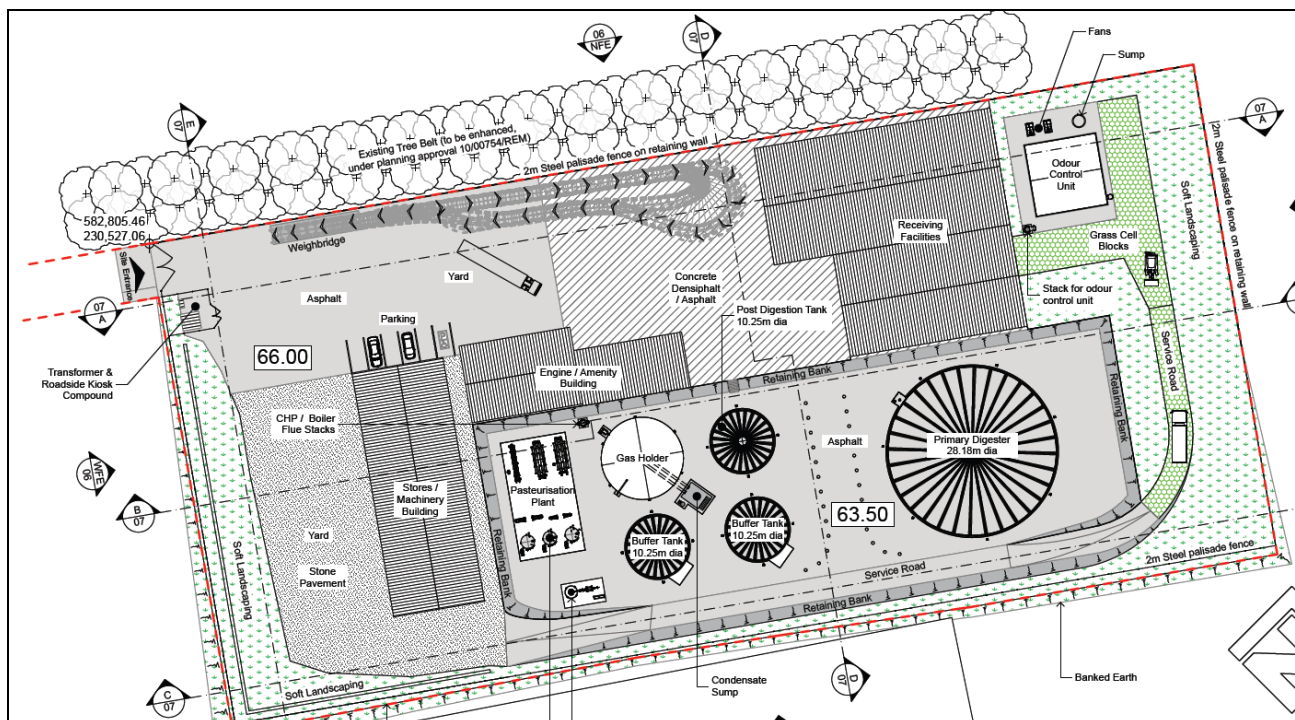
**Ref:** ESS/28/13/BTE

**Applicant:** Tamar Energy

Report by Head of Planning, Environment and Economic Growth

Enquiries to: Paul Calder Tel: 01245 437585





(Image taken from application details submitted by Tamar Energy)

## 1. BACKGROUND

In July 2007 Braintree District Council (BDC) granted outline planning consent (Braintree ref 07/00681/OUT) for industrial development within Use Classes B1, B2 and B8 for the application area. The proposal was permitted in line with the BDC Local Plan allocation. Since that date several conditions attached to the consent have been discharged. Condition 16 of the outline consent required details to be submitted relating to finished ground levels. This is because the outline consent envisaged a degree of removal of earth on the site to reduce the overall height of proposed buildings. Condition 16 was discharged by BDC on 22 December 2009 and confirmed that the lowering of ground levels was no longer required.

Following Braintree District Council (BDC) granting outline planning consent (Braintree ref 07/00681/OUT) in 2007 for industrial development within Use Classes B1, B2 and B8 for the application area, Glendale Power Limited (previous applicant) submitted a planning application (ESS/25/10/BTE) in July 2010 for the construction of an anaerobic digestion (AD) plant including combined heat and power with associated offices and new access.

Following a full public and statutory consultation, on the 22nd October 2010 the Development and Regulation Committee resolved that planning permission be granted for the AD facility (Ref: ESS/25/10/BTE). The resolution to grant planning permission was subject to conditions and a legal agreement for the provision of financial contributions and highway works (see Appendix 1 for the officer report).

On the 2nd March 2011 the legal agreement was completed and planning permission was formally granted.

The development permitted in 2011 comprised of the following:

- a reception hall for the receipt of waste;
- a primary digester tank;
- a secondary digester tank;
- water treatment tanks;
- office/workshop/Combined Heat and Power building;
- a separation and storage building; and
- associated car parking, cycle parking and landscaping.

The planning permission for the AD facility (reference ESS/25/10/BTE) was implemented on the 24<sup>th</sup> June 2013 when construction on site commenced in accordance with the approved details.

## **2. SITE**

The 1.36 hectare proposal site lies on land to the north of Bluebridge Industrial Estate, off of the A1124 Colchester Road in Halstead, Braintree. It would be accessed via the northern section of Third Avenue and the haul route would run along the northern boundary of the field, thus leaving significant space (approximately 80m) between the site boundary and the industrial sheds which line Fifth Avenue to the south of the site.

The proposal site is a significantly higher landform than the existing industrial estate and rises from west to east, although the development area is relatively flat with a slight slope from north to south. The site is of a comparable level to the arable field to the north. The site is presently rough grassland which is not cultivated or farmed.

Properties in Fenn Road lie to the west of the site and are separated from it by a Council depot, ambulance station and allotment gardens, although many of the properties do have a clear view of the site due to their elevated position.

The northern and eastern boundaries of the site are denoted by a belt of trees and a hedgerow respectively, beyond which are open fields interspersed by isolated properties. The closest of these is approximately 300m to the east. One property approximately 400m to the north east is visible from within the site.

There is a secondary tree belt to the south of the site.

Footpath 22 (Halstead Urban) crosses the field to the north and runs adjacent to the north eastern site boundary for a short distance before continuing eastwards as Footpath 3 (Colne Engaine).

## **3. PROPOSAL**

As noted above, the original planning application (ESS/25/10/BTE) was submitted in July 2010 by the former applicant, Glendale Power Limited. In November 2012 the current applicant (Tamar Energy) acquired the lease to develop and operate the AD facility granted in March 2011. However, the design submitted by the former applicant utilised a different AD process compared to the type used by the current

applicant. This change in AD process has meant that the current applicant has needed to make changes to the design of the originally permitted scheme, as follows:

1. Replacement of secondary digester (incorporating the gas holder) with two buffer tanks, a separate gas holder and post digestion storage tank;
2. Increase in the height of the primary digester by 3m;
3. Replacement of liquor tanks with a pasteurisation plant;
4. Removal of solids receiving building;
5. Replacement of two covered underground biofilters with one covered above ground odour control unit;
6. Increase in the area of soft landscaping (450m<sup>2</sup>);
7. Reduction of the height of the engine/amenity building, increase the internal floor space and repositioning of the CHP/boiler flue stack;
8. Adjustments to the fenestration on the store/machinery building and the engine/amenity building;
9. Identification of location for the stand-by flare stack;
10. Introduction of a transformer and roadside kiosk;
11. Removal of external wheelwash and provision of an internal vehicle wash down area;
12. Adjustment to car parking layout, and;
13. Provision of maintenance access track to the receiving facilities building.

The receiving facilities building floor space has been reduced from 532m<sup>2</sup> to 495m<sup>2</sup> (a reduction of 37m<sup>2</sup>)

There are no proposed changes to the hours of operation, vehicular movements, type or amount of waste accepted onsite.

#### 4. POLICIES

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

<u>Policy</u>	<u>WLP</u>	<u>BCS</u>	<u>BLP</u>
Need for Waste Development	W3C		
Highways	W4C		
Materials Recovery Facilities	W7E		
Proposed Sites	W8A		
Alternative Sites	W8B		
Planning Conditions and Obligations	W10A		
Material Considerations: Policy Compliance and Effects of the Development	W10E		
Promoting Accessibility for All		CS7	
Town Development Boundaries			RLP 2
Employment Allocation north of Bluebridge			RLP42
Industrial Estate			
Transport Assessments			RLP 54
Development Likely to Give Rise to Pollution or			RLP 62

the Risk of Pollution	
Air Quality	RLP 63
External Lighting	RLP 65
Waste Reprocessing Facilities	RLP 75
Renewable Energy	RLP 76
Energy Efficiency	TLP 77
Special Landscape Areas	RLP 79
Layout and Design of Development	RLP 90

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

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

The BCS was adopted post 2004, however the grace period offered to such plans (in applying full weight to policies) in accordance with Paragraph 214 of the Framework passed 12 months after adoption of the Framework. As such it is now considered that the BCS together with the BLP and WLP (both adopted pre 2004 and/or not under the Planning and Compulsory Purchase Act 2004) fall within the remit of consideration according to Paragraph 215. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The level of consistency of the policies contained within the WLP is detailed in Appendix 2. The level of consistency of the policies contained within the BCS and BLP is considered further in this report, as appropriate.

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

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

- The stage of preparation of the emerging plan (the more advanced the

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

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

BDC has produced a Site Allocations and Development Management Plan which together with the BCS will allocate development sites and protect other areas in the District from development over the next fifteen years. The Plan has not been published and public consultations received are currently being reviewed. As a draft of this Plan has not been published it is considered again that little weight can be applied especially as objections are outstanding from consultation.

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

## **5. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – Objects as the proposed alterations to the design of the plant are considered unacceptable in terms of their visual impact. Asks that the following concerns are taken into consideration which, in summary, are as follows:

- No comment to make on the transformer and roadside kiosk;
- Main concern is increase in height of Primary Digester as proposed screening will take 18 – 20 years to effectively screen;
- Disappointed that the applicant has not chosen to try and engage with local residents prior to submission of the application;
- Site lies in an area allocated in the BLP for the expansion of the Bluebridge Industrial Estate. BLP Policy RLP 75 allows development proposals involving waste recovery to be located in employment policy areas and RLP 76 encourages the integration of renewable energy generation into new developments. There remains no objection to the principle of the proposed development in this location;
- As application only seeks to vary the design and layout of the development BDC has only considered the visual and landscape impact;
- Policy RLP 90 states that permission should be granted where there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. BDC set out a number of concerns to ECC however in approving the original consent it was considered that these impacts on local residents were acceptable;



- Additional reports have been submitted outlining decrease in overall noise and no significant difference in air quality therefore BDC raises no objection;
- If minded to approve, consideration should be given to a condition that colours and materials approved under condition 20 of ESS/25/10/BTE are retained to avoid colour being changed, and;
- Concerned with quality of road along Third Avenue thus vehicles crossing this area creating noise. ECC should satisfy themselves of means of access to the site, the road surface and noise arising from that surface.

ENVIRONMENT AGENCY – No objection.

STANSTED AIRPORT LTD – No comments received.

HIGHWAY AUTHORITY – No objection.

WASTE DISPOSAL AUTHORITY – Comments as follows:

- The joint Municipal Waste Management Strategy (JMWMS) for Essex states an aspiration to achieve 60% recycling of household waste by 2020. The separation and treatment of food waste and co-mingled food and green garden waste generated by Essex households will contribute significantly to the achievement of this target;
- The availability of local treatment facilities close to the source of the feedstock conforms to the proximity principle; delivering operational and environmental benefits through the reduction of vehicle miles, and;
- The proposal is in line with the JMWMS.

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

HALSTEAD TOWN COUNCIL – No objection subject to the following observations:

- Concerned that the nearby residents have not been consulted as they should have been during the formulation of the original application (ref: ESS/25/10/BTE);
- Additional vehicle movements will have a significant effect on congestion through the town and in particular Colchester Road, and that the effect of this increased traffic pattern raises further the need for a relief road scheme to be put in place;
- It should be noted that there is a footpath and a bridle path to the immediate northern aspect of this development and that all HSE protocols should be put in place to ensure there is no adverse effect to these;
- With the change in technology occurring as a result of this amendment application the Town Council re-iterates the need for stringent safeguards for residents, namely;
  - Regular monitoring of both noise and odour for at least the first 18 months of operation;
  - The hours of operations should be defined and monitored, and;
  - All vehicle movements should be logged and reported to the Town Council.

Comment: Full statutory consultation has taken place. This has included direct neighbour notification letters to 108 properties within 250m of the site boundary, notices posted on and around the site and an advertisement placed in the local press. This is in accordance with ECC's adopted Statement of Community Involvement and the statutory provision within the Town and Country Planning (Development Management Procedure, England) Order 2010 (as amended).

COLNE ENGAINE PARISH COUNCIL – No objection however, would like it noted that the parish council remain to be convinced of the semantics of the various reports.

LOCAL MEMBER – BRAINTREE – Halstead – Any comments received will be reported.

## 6. REPRESENTATIONS

108 properties were directly notified of the application. 8 letters of representation have been received with one containing a petition with 28 signatures objecting to the proposal. In addition 8 complaints were received regarding the application.

The letters and complaints relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
<u>Highways Issues</u>	
Halstead is a residential town with some 15,000 residents, its roads were built for the 18/19 <sup>th</sup> Century.	Noted.
Colchester Road which is the main access road to Bluebridge Industrial Estate has been downgraded to a B-Class road and has many narrow points plus residential parking on curbs.	See appraisal.
Halstead has only two access points into the town. HGVs would have to use the High Street.	The High Street is a public highway and can carry HGVs. See appraisal
Local roads not suitable.	See appraisal.
Page 9 paragraph 5.3 of the planning statement considered access off Colchester Road to be good. For an additional 96 movements a day this claim is unbelievable and residents on Colchester Road would say the same.	A Transport Statement was submitted with planning application ESS/25/10/BTE which assessed the potential impact of the HGVs associated with the proposed development. The Highway Authority raised no objection – see appraisal.



HGV's regularly get stuck at the turn into Colchester Road by St. Andrews Church. HGV's also have to negotiate school crossing patrols.

See above.

Cars parked along the road make the carriageway a single line.

See above.

Colchester Road is congested and pedestrians have to step dangerously into the road to pass.

See appraisal.

The High Street has a major sewer underneath it which collapsed due to the weight of traffic.

See above.

Earls Colne and Halstead are small villages and the road infrastructure is unable to comply with the traffic requirements the proposal would bring and it would increase accidents.

The location of the site is acceptable in terms of policy and the Highway Authority has raised no objection.

Proposed traffic associated with proposal is 84/96 movements per day which is not safe.

The location of the site is acceptable in terms of policy and the Highway Authority has raised no objection.

Un-adopted sections of Third Avenue remain unfinished with potholes and no pedestrian pathways. Governing bodies have failed in their duties to ensure construction works completed.

See above.

The Highway Transport Report has only been carried out on estate roads. Had access roads been included it would have become clear that surrounding roads are unsuitable. The report is flawed.

A Transport Statement was submitted with planning application ESS/25/10/BTE which assessed the potential impact of the HGVs associated with the proposed development. The Highway Authority raised no objection – see appraisal.

### Procedural Issues

With proposals such as this national Guidelines strongly suggest developers engage in meaningful consultation process with the local community prior to submitting their application. Both applicants have failed to follow these guidelines.

The applicant under planning permission reference ESS/25/10/BTE has stated that local residents have been contacted prior to submission of the application. Residents were also contacted post-submission.

Suggest that first application (ESS/25/10/BTE) be withdrawn as it should never have been approved and that the current application (ESS/28/13/BTE) be rejected.

The applicant has implemented an extant planning permission (ESS/25/10/BTE) to develop the site as an AD facility.

Applications such as this should have a public meeting. ECC have failed in their duty of care.

It is not usual practice for ECC to meet with residents when considering applications.

The letter from Essex County Council chief executive regarding original applicant writing to Halstead residents in September 2009 about their proposal is untrue. The original applicant admitted in a letter dated 29<sup>th</sup> July 2010 stated that they had failed to consult with any residents within the Town boundary saying they merely had written to a couple of addresses outside the Town at Abbots Shrub.

The original applicant had stated that local residents had been contacted prior to submission of the application. Residents were also contacted post-submission for planning permission ESS/25/10/BTE.

Residents only became aware of the proposal following a letter from the Waste Planning Authority which gave 21 days to consider the matter.

21 days is the statutory time frame for replying to consultations.

Greater consultation should have taken place over the 250 metres consultation boundary.

ECC has consulted all residents within 250m of the site boundary, including those living in Brook Farm Close. This is in line with County Council protocols and procedures and National Planning Guidance.

Doesn't live within 200m of site nor take the local paper so wasn't aware of application.

See above.

It appears the development has gone through little consultation compared with another development within the area.

See above.

The original proposal was treated no differently than a standard building. This and the consultation undertaken are at odds with National guidelines regarding

See above.

Councils consulting the wider community in a meaningful way. A press article recently discussed the proposal and now the wider community are aware of its existence because of the article and are now able to raise concerns.

Requests a meeting with applicant and WPA.

See above.

Why has work taken place onsite prior to planning permission being granted?

The applicant has an extant planning permission for development of the site (ref: ESS/25/10/BTE) and has commenced works in accordance with this permission.

### Environmental Impact

Proposal is a blot on the landscape.

See appraisal.

Developments such as that proposed should be located within an electrical distribution complex thereby avoiding the need for cables, disused airfields and brown field sites. All these sites are located a number of miles away from residential developments thus avoiding issues surrounding noise and odour pollution.

See appraisal.

Given the amount of disused airfields in Essex developments such as this should be located there.

See above comment.

The development is close to residential houses and a school which has an impact.

See appraisal.

Will noise and emissions be within legal limits so as not to affect the amenity of residents and allotment uses of Fenn Road.

See appraisal.

Environmental Impact Assessment (EIA) should be undertaken for a development of this scale.

An EIA screening opinion was issued for both planning applications ESS/25/10/BTE and ESS/28/13/BTE. The screening opinions, in summary concluded EIA is not required – see appraisal.

## Health and Safety

No confidence in WPA strictly monitoring the site performance for external noise, air, odour and traffic movements.

In accordance with the Framework the WPA has adopted a Local Enforcement and Site Monitoring Plan which sets out what enforcement and site monitoring service businesses and individuals can expect from Essex County Council as Waste Planning Authority. The WPA will carry out monitoring of the site in accordance with the adopted Plan.

Due to type of waste does this mean a constant flame above the flare stack.

The stacks utilised within the proposal are to be used to discharge emissions in a controlled manner.

The product of the AD process being spread on adjoining agricultural fields is a health and safety risk to residents and users of the public footpaths within these fields.

The Environment Agency is responsible for licensing of the by-product and its application.

AD produces toxic combustible gas carrying risk of explosion or fire.

The applicant has stated that there is no history of explosion or fire relating to Anaerobic Digestion Plants.

The plant would be operational 24/7 although only managed during office hours with no out of hours support.

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

What of health and safety cover for accidents with the plant. Health and safety is paramount for residents.

See above.

Emergency cover in Halstead is part time therefore, a facility this closed to residents is not acceptable.

See above.

The proposal is a major health hazard bringing vermin to the site and odour from rotten food.

See appraisal.

Odour will have a major effect on existing food production plants on the industrial estate. The proposal would bring major health and safety risk issues regard continuation of these businesses and the employment they

See appraisal.

afford local residents.

Operator fined for illegal dumping of waste.

Not a material planning issue.

Will noise and emissions be within legal limits so not to affect amenity of residents and allotment users of Fenn Road.

See appraisal.

Impact from noise of processing plant, venting machinery and lorries entering and leaving site.

See appraisal.

Doors are to open and close during access/egress of the site meaning that given the current HGV movements will be opening and closing every 6 minutes which is likely to mean more noise and odour.

See appraisal.

Plants like this are shutting down.

Not a planning issue. The applicant has commenced development in accordance with planning permission ESS/25/10/BTE.

How will energy be used?

As outlined the officer's report at Appendix 1, the development would make use of the waste by converting it to a soil improver and utilising the gas to produce renewable energy in the form of electricity and heat. An energy firm has confirmed to the applicant the availability of a suitable point of connection for electricity distribution 100m from the site boundary within the industrial estate. In the future the electricity could be sold to tenants of industrial buildings planned for the remainder of the land to the north of the industrial estate.

### Other issues

Residential property values will be blighted.

Not a planning issue.

Residential property values will decrease.

Not a planning issue.

What benefit to local residents.

See appraisal.

## 7. APPRAISAL

The key issues for consideration are:

- A. Need and Principle of Development
- B. Design, Landscape and visual Impact
- C. Impact upon Amenity
- D. Traffic & Highways
- E. Human Rights

In respect of Environmental Impact Assessment, a Screening Opinion (reference: ESS/28/13/BTE/SO) was issued by the WPA on 1<sup>st</sup> July 2013, following submission of the application. The Opinion concluded that it was considered that the implementation of the proposal would not have an impact of more than local importance and therefore, on balance, an Environment Impact Assessment (EIA) would not be required.

### A NEED AND PRINCIPLE OF DEVELOPMENT

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

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

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

As noted earlier within this report, planning permission was approved to be granted on the 2<sup>nd</sup> March 2011 for, in summary, Anaerobic Digestion facility with associated ancillary development (see Appendix 1 for ESS/25/10/BTE Committee Report).

The need and principle was found acceptable, in summary, for the following reasons;

- That a need had been demonstrated for the facility, in compliance with WLP Policies W3C (Need for Waste Development) and W8A (Schedule 1

sites);

- The proposed location on employment land to the north of the existing industrial estate is entirely appropriate in compliance with BLP Policies RLP2 (Town Development Boundaries), RLP42 (Employment Allocation north of Bluebridge Industrial Estate) and RLP75 (Waste Reprocessing Facilities) and WLP Policies W8B (Non-preferred sites) and W7C (Anaerobic Digestion);

Therefore, the need and principle of the site being used for a waste related development was discussed and found acceptable in relation to the WLP and BLP Policies.

With respect to the Planning Permission ESS/25/10/BTE, the Framework had not been published during the consideration of that proposal therefore, the 3 roles of Sustainable Development as referenced within the Framework had not been directly taken into consideration. However, in relation to the economic role the development would, as noted within ESS/25/10/BTE application details create employment during its construction phase, employ 7 people onsite, export 1.9 Megawatts of electricity and 1.5 Megawatts of exportable heat thus contributing to the economic role of sustainable development.

In addition, the social role of the proposed development would still be achieved by wider benefits to the environment through the diversion of up to 45,000tpa of food waste destined for landfill or in-vessel composting. This diversion is in compliance with national policy, namely the Waste Strategy Review for England 2011, which encourages local authorities and businesses to consider anaerobic digestion. The benefits of landfill diversion come from the diminishing landfill capacity nationally and within Essex, and also because biodegradable waste, such as food waste, decomposes in landfill and produces methane gas which is a greenhouse gas and a contributor to climate change.

It should be noted that the nature and location of the development (site size, annual tonnage, type of waste, hours of operation, vehicular movements, construction method and number of persons to be employed etc) are not proposed to change with the current submission. The issue for consideration through this application is the acceptability of the proposed design changes to the already permitted scheme.

The justification put forward by the applicant for amending conditions 2 and 15 of planning permission ESS/25/10/BTE was that in November 2012 the applicant acquired the lease to develop and operate the AD facility and reviewed the 2010 AD design in consultation with their AD technology provider. This review highlighted the need to alter the design to meet the requisite process specifications supplied by AD technology provider, who use a mesophilic anaerobic digestion process compared to a thermophilic process (which the existing layout approved under ESS/25/10/BTE is designed to accommodate). The applicant has stated that there are key benefits of using a mesophilic AD process as it is very robust and operates at a lower temperature than a thermophilic process resulting in a lower energy demand. The applicant states that this process has a greater retention time and has therefore, resulted in the design and configuration of the process and treatment tanks being altered as part



of the current submission.

The environmental role of the proposal will be considered further in the report.

## B DESIGN, LANDSCAPE AND VISUAL IMPACT

PPS 10 Annex E details a list of locational criteria to determine if sites are suitable or unsuitable for waste uses. The locational criteria includes: protection of water resources; land instability; visual intrusion; nature conservation; historic environment and built heritage; traffic and access; air emissions, including dust; odours; vermin and birds; noise and vibration; litter; and potential land use conflict.

Attempting to appraise each of these criteria in turn, in context of the application details, firstly looking at design the Framework details, at Paragraph 56, that good design is a key aspect of sustainable development; is indivisible from good planning and should contribute positively to making places better for people. Whilst planning policies and decisions should not attempt to impose architectural styles or particular tastes, stifle innovation, originality or initiative it is proper to reinforce local distinctiveness. Paragraph 61 of the Framework goes on to detail that although visual appearance and architecture of buildings are very important factors, security high quality and inclusive design goes beyond aesthetic considerations.

Replicating many of the design principles of the Framework, BLP policy RLP 90, which relates to layout and design of development, seeks to ensure a high standard of layout and design in all developments. Included in a list of criteria to be met is that the scale, density, height and massing of buildings should reflect or enhance local distinctiveness; buildings, open areas, circulation spaces and other townscape and landscape areas shall be of a high standard of design and materials; designs shall recognise and reflect local distinctiveness, and be sensitive to the need to conserve local features of architectural, historic and landscape importance; the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area; measures to ensure maximum practical environmental sustainability throughout the construction, occupation and demolition of development to be incorporated; the promotion of safe and secure environments; the promotion in landscape design of local biodiversity and that any lighting proposals will need to be shown to be in context with the local area.

The site is surrounded by a Special Landscape Area to the north and east. The Special Landscape Area is controlled by BDLP Policy RLP79 (Special Landscape Areas). Development likely to cause permanent loss or damage to the traditional rural qualities of the countryside, or its essential rural character, will be refused.

Objections have been raised by local residents that the proposal would have an impact upon the landscape character of the area. Furthermore, Braintree District Council has objected to the proposed alterations to the design of the plant on the basis that they are unacceptable in terms of their visual impact, screening would take 18 – 20 years to develop and the increase in the height of the primary digester.

The existing industrial estate is situated on the northern slopes of the Colne Valley and is visually significant in the local landscape. The existing estate buildings are brick with metal cladding and roofs. Those closest to the site are grey in colour and approximately 7.25m to the ridge height from ground level, that ground level being significantly lower than the application site. A tall cylinder is the most prominent feature above the buildings

The original application scheme had the receiving facilities with a double ridge roof with a height of 10.5m, the store and machinery a height of 8m, and the CHP and boiler room, workshop and office building would have a flat roof with a height of 7m. The primary and secondary digesters would have a height of 12.5m, although the ground level would be reduced by 2m, giving a height of 10.5m when compared with surrounding ground levels.

The receiving facilities height of 10.5m was required to allow tipping of some vehicles and for processes involving gravity feed of the waste. Shallow roof pitches were utilised in order to keep visual impact to a minimum.

As noted within Section 3 of this report the applicant is seeking design changes to the permitted scheme. In summary, the proposed changes consist of the following;

- Internal floorspace of southern section reduced by 37 m<sup>2</sup> as a result of moving the building approximately 1.5m south of the northern boundary to allow access for maintenance;
- Capacity of the tank increased by increasing the height of the process tank walls and providing a shallower roof profile. Overall height increase 3m;
- Height of building lowered to 6.25/5.25m and internal floorspace of CHP/boiler room increased by 21m<sup>2</sup>;
- Number of doors reduced to reflect operational requirements;
- Soft landscaping Increased to the west of the site. Additional southern planting also shown on the drawing to reflect the latest scheme submitted under condition 10 of the extant permission;
- Removal of wheel wash. The washing of vehicles will take place inside the Receiving Facilities building in a dedicated wash down area that will comply with ABPR;
- Two underground biofilters with above ground covers (14m x 16m each) replaced by one Odour Control Unit (6.2m high, 12m length x 12m width);
- The 11m high flue stack from the bio-filters position has been adjusted to accommodate the new Odour Control Unit position;
- 15m high flue stack from the CHP/Boiler Room position has adjusted to accommodate detailed process design alignments;
- Identification of the flare stack as not previously shown on approved drawings. It should be noted that the stand by flare stack 'flares off' excess gas in the event of any shutdown or issue with the plant where the gas may build up because it's not being processed. It's a safety feature and only used in an emergency, which the applicant confirms, happens rarely.
- Area of soft landscaping proposed to be extended by 450m<sup>2</sup> on the western boundary. This has resulted in a reduction of hard landscaping within this area, and;

- Transformer, roadside kiosk, odour control unit, two buffer tanks, gas holder, post digestion tank, pasteurisation tank are proposed new external plant.

WLP Policy W8A (Schedule 1 sites) requires landscaping and screening where necessary.

WLP Policy W10E (Development Control) permits waste management where satisfactory provision is made in respect of the effect of the development on the countryside.

Under planning permission ESS/25/10/BTE the design of the scheme and its landscaping was found to be acceptable. Furthermore, the County's Urban Design and Landscape officers have raised no objection to the proposal on design or landscape grounds.

The applicant has stated that careful consideration was given to the layout changes and how these would impact on the overall massing of the development. Taking into consideration the success of the existing layout care was paid to align the replacement plant with that as closely as possible.

The height of the development was a key consideration in the Supplemental Landscape and Visual Statement as the height of the one of the plant, the primary digester, would increase by 3m. The roof of the tank, as opposed to the tank itself, would be visible above the other buildings and structures (with the exception of the consented 15m CHP/boiler flue stack) from certain viewpoints, although the changes are considered to be limited in the context of the existing scheme and other industrial developments. The extent of visibility is dependent on the positioning and age of landscape planting surrounding the site and as this grows visibility will reduce. The additional landscape planting to the west and south of the AD facility would provide additional mitigation and benefit views from the West and South as the planting matures.

In consideration of the assessments which have been undertaken by the applicant, the evolution of the design due to changes with the AD technology provider and the mitigation proposed it is considered that with the reposition of the conditions imposed within Planning Permission ESS/25/10/BTE the design and landscaping of the proposal is compliant in principle with BLP policy RLP 90 and WLP policies W8A and W10E.

## C RESIDENTIAL IMPACT

WLP policy W10E states that, inter-alia, developments will only be permitted where satisfactory provision is made in respect of the amenity of neighbouring occupiers, particularly from noise, smell and dust. Similarly BLP policy RLP 36 details that planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area as a result of noise, smell, dust, health and safety, visual impact, traffic generation, contamination to air, land or water, nature conservation or light pollution.

BLP policy RLP 62 furthermore states that planning permission will not be granted for development which could give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences unless adequate preventative measures have been taken to ensure there would be no harm caused to land use. Specifically in relation to waste reprocessing facilities BLP policy RLP 75 goes on detailing that proposals involving waste recovery will be permitted in employment areas, subject to:

- there being no unacceptable adverse impact on adjoining uses by reason of noise, smell, dust or other airborne pollutants; and
- there being no adverse impact on the surrounding road network either in terms of road safety or capacity.

Concerns have been raised that the proposed design changes would have a negative impact upon the amenity of residents through odour, noise and dust. The following section seeks to assess these potential impacts as part of the Frameworks environmental role of sustainable development.

Odour and Emissions: An Air Quality Assessment was submitted with the original application submission as required by BDLP Policy RLP63 (Air Quality). The report concluded that any residual odour would not be significant and is forecast to give no reasonable cause for annoyance. Bioaerosol generation would be negligible and it is forecast that no sensitive location close to the site would experience a significant impact.

Waste would still arrive in enclosed vehicles which would not be opened until inside the building and the roller shutter doors have been closed behind it. The reception building would be under negative pressure to ensure no odours could escape whilst vehicles are entering and exiting.

The biofilters would take air from the receiving facilities and filter it to remove odour. This would be discharged via the flue. It should be noted that the specifics of the filtering process would be included in the environmental permitting process, separate from the planning process.

The proposed stack, is concluded to be sufficient to ensure the adequate dispersion of NO<sub>2</sub> and CO in accordance with current Air Quality Objectives.

As noted within the previous application details the digestate would be removed by road and the applicant stated that properly made digestate should be odourless if conforming to PAS 110, thereby negating the need for such measures.

The Primary Care Trust was consulted as part of planning permission ESS/25/10/BTE and although preliminary concerns were raised with regard to bioaerosols and odour, the Environment Agency confirmed that an Environmental Permit would be required and thus these aspects would be strictly controlled through the permitting regime. The Environment Agency as part of this application has raised no objection subject to the re-imposition of conditions attached to planning permission ESS/25/10/BTE.

Noise: As above a Noise Assessment was submitted with the original application.

The assessment concluded the following in summary,

- The construction materials used for the proposed buildings would provide some noise attenuation to ensure noise breakout would not contribute to existing noise levels at sensitive receptors;
- The CHP units would be supplied in soundproof enclosures. It is noted that the technical details of sound proofing would form part of the required Environmental Permit application;
- Plant and vehicles would be serviced regularly and fitted with silencers and that the amount of machinery used would be minimised;
- Whilst the treatment of waste would take place on a 24 hour basis, the acceptance of waste and loading of vehicles with treated and untreatable waste would take place only during the hours of 0800 – 1800 hours Monday to Friday and 0800 – 1200 hours on Saturdays;
- The assessment concluded that the main noise influence on noise receptors in the vicinity of the site is the traffic on the local road network and the premises on the existing industrial estate. It forecasts that the noise levels associated with the proposed development would not have an adverse impact on the existing residential receptors adjacent to the site, those being located at Bluebridge Cottages, on Fenn Road, in Cherry Tree Close and at Westwoods, and;
- The night time noise assessment was carried out using the period of 0200 hours to 0400 hours because this was considered to be the quietest period during the night. The impact of the plant on night time noise has been assessed as negligible.

The County Council's noise consultant raised no objection to the granting of planning permission ESS/25/10/BTE subject to conditions relating to plant and machinery operating only at permitted times and silenced in accordance with the manufacturer's recommendations as proposed within the application. Noise limits at noise sensitive properties were recommended together with noise monitoring every 6 months. These controls are controlled through the imposition of conditions attached to ESS/25/10/BTE, should planning permission be granted.

Dust: The Air Quality Assessment submitted with ESS/25/10/BTE concluded that the potential impact of dust and particulates would be negligible.

Ventilation and dust filters would ensure that any emissions of dust and particulates would be contained within the building and removed prior to air being released to the atmosphere via the proposed flue.

Dust generation outside of the building is proposed to be mitigated by routine sweeping as appropriate. This could be controlled more specifically through the imposition of a planning condition, should planning permission be granted.

It is therefore considered that as the proposal does not propose any changes to the air quality objectives already approved the proposal would comply with BLP Policy RLP 63 (Air Quality).

Therefore, the proposal would not have any additional impact on the air quality, dust, noise or lighting levels, than that previously assessed and found acceptable. Furthermore, the proposal would not involve any alteration to the volume of waste, the hours of operation, or the number of vehicles trips to the site, which would all have a greater environmental impact, particularly on the neighbouring residential properties. As such the proposal is considered to comply with WLP policy W10E and BLP policies BLP 62 and RLP 63.

## D TRAFFIC & HIGHWAYS

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

BCS policy CS7 aims to promote accessibility for all and details an intention to work with partners to improve accessibility, to reduce congestion and reduce the impact of development upon climate change. Furthermore BLP policy RLP 54, replicated in the Framework at Paragraph 32, requires all proposals for major new development to be accompanied by a Transport Assessment in order to determine the effect of the proposal on traffic congestion, public transport, cycling and walking.

Objections have been raised that the proposal would have a negative impact upon the surrounding highway network, that the network is unsafe and doesn't have sufficient capacity for the type of development proposed, the roads are too old to work functionally and have clasped in the past. In addition BDC have comments that a section of Third Avenue is unbound which has resulted in additional noise to residents through Highway Movements.

It should be noted that the current application (ref: ESS/28/13/BTE) does not propose to amend the highway movements, access arrangements nor the type of vehicles entering or leaving the site approved under planning permission ESS/25/10/BTE. The applicant as part of this proposal intends to remove the external wheelwash facilities with an internal vehicle washdown area and reposition the approved car parking spaces within the same location as approved.

It should be noted that a Transport Statement was submitted with planning permission ESS/25/10/BTE. It was highlighted within the officers report that a Statement was considered adequate by the Highway Authority therefore, a Transport Assessment was not required which is in compliance with BLP Policy 54 (Transport Assessments). The Transport Statement put forward a likely scenario of 96 vehicle movements per day (48 vehicles) including staff and visitors and a 'worst case' scenario of 142 vehicle movements per day (71 vehicles) per day including staff and visitors. This was based on the shortest number of working days in a year, the smallest HGVs and the maximum operational input and output and would give an average flow of 14 vehicles per hour over a 10 hour day.

Furthermore, as part of the original submission the maximised use of the site for

B1, B2 or B8 uses was assessed and produced a worst case scenario of 315 – 1085 vehicle movements per day. Therefore the proposal would result in significantly lower numbers of vehicle movements than the applicant considers would be generated by other potential alternative industrial and commercial uses.

The site provides adequate space for vehicle manoeuvring and queuing without impacting on the industrial estate roads.

As noted above the Highway Authority has raised no objection to the granting of planning permission for the current proposal (ref: ESS/28/13/BTE) nor the existing consent (ref: ESS/25/10/BTE). The conditions and legal agreement attached to the previous consent would be carried over to this consent subject to planning permission being granted.

In consideration of the above consultation responses received, the site history (B1, B2 and B8 scenario of vehicles) and the fall-back planning position (the scheme already permitted under ESS/25/10/BTE) it is considered that sufficient information has been produced to demonstrate that the development, either alone or cumulatively, would not have an undue impact of highway safety or efficiency. Accordingly it is deemed that the proposal complies with WLP policy W4C, BLP policy RLP 54 and in the improvement works proposed BCS policy CS7.

## **E HUMAN RIGHTS**

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

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

In light of the proposal only seeking to make amendments to the design of the scheme and the absence of any alterations to the impacts in terms of noise, odour, dust, lighting, traffic or other amenities, it is considered there is no interference with either Article 8 or Article 1 of Protocol 1. Even if there were such interference, It is considered that the interference would be of such a level as to be clearly justified and proportionate in the public interest.

## **8. CONCLUSION**

In conclusion, the principle and need for this development being located at Bluebridge Industrial Estate has been accepted through the grant of planning permission ESS/25/10/BTE. Nevertheless, it is still important to assess whether or not the proposed amendments to the design of the scheme would be acceptable.

It is considered that the proposed design changes to the scheme would not have a detrimental impact upon the landscape character of the area. The design changes have been sought due to the applicant utilising a different technology provider. Furthermore, the County's advisors on design and landscape have raised no objection to the proposed changes. In addition approximately 450m<sup>2</sup> of additional soft landscaping along the western boundary would be provided which



once matured would aid in screening the increase in height of the primary digester tank through reducing the massing of the development as a whole. It is considered that the proposal complies with WLP policy W10E and BLP policies BLP 62 and RLP 63

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

Furthermore, the WLP and BLP policies relied upon in this report are considered to be consistent with the Framework and therefore approval of the application is recommended subject to the imposition of appropriate conditions as permitted by WLP Policy W10A (Planning Conditions and Obligations) and as set out below.

## **9. RECOMMENDED**

That:

- i) planning permission be granted subject to the amendment of the existing legal agreement (to reflect the revised application reference ESS/28/13/BTE) and amended wording of Condition 2 and Condition 16 (of permission ESS/25/10/BTE) to state:

### Condition 2

'The development hereby permitted shall be carried out in accordance with the details of the application dated 05 July 2010 and supplementary information dated July 2010, as amended by the application and supplementary information dated 5 June 2013, together with drawing numbers;

13005\_05 Rev P3

13005\_06 Rev P3

13005\_07 Rev P3

JBA 13/59-TS01 Rev B

JBA 13/59-01 Rev B

'Promap site plan 1:2500 @ A3',

e-mails from Jeremy Elden dated 28 July 2010, 05 August 2010, 06 August 2010, 20 August 2010 17:22 and 19.46, 26 August 2010, 31 August 2010, 01 September 2010, 15 September 2010, 22 September 2010, 05 October 2010 15:10 and 15:49,

e-mails from Matt Clarke date 07 July 2010, 02 September 2010 09.48 and 15.07, 03 September 2010,

the contents of the Design and Access Statement received 07 July 2010, as updated June 2013,

the contents of the Planning Statement dated June 2010, as updated June 2013,

the Highways Traffic and Transport Statement dated 17 June 2010,

the Landscape and Visual Impact Assessment dated February 2010, as

updated June 2013,  
Measured Works Schedule dated 28 May 2013,  
Management Statement dated April 2013,  
Arboricultural Implications Assessment dated October 2009,  
Flood Risk Assessment dated May 2010,  
Phase 1 habitat Survey dated 04 October 2009,  
Reptile Survey dated 04 October 2009,  
Air Quality Assessment dated June 2010 and Wardell Armstrong Air  
Considerations Note,  
Noise Assessment dated June 2010 and Wardell Armstrong Noise  
Considerations Note,  
Site Check Environmental Risk Assessment dated 13 March 2007,

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’:-

Condition 15:

‘No beneficial occupation of the development hereby permitted shall take place until parking areas as indicated on plan 13005\_05 Rev P3 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose’.

And:

- ii) All other conditions of planning permission ESS/25/10/BTE be re-imposed and updated as appropriate.

---

## **BACKGROUND PAPERS**

Consultation replies  
Representations  
Ref: P/DC/Shelley Bailey/ESS/25/10/BTE  
Ref: P/DM/Paul Calder/ESS/28/13/BTE

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

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

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

**EQUALITIES IMPACT ASSESSMENT:** The report only concerns the determination of an application for planning permission and takes into account any equalities implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

## **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Halstead

## Appendix 1

AGENDA ITEM .....

committee DEVELOPMENT & REGULATION

date 22 October 2010

### MINERALS AND WASTE DEVELOPMENT

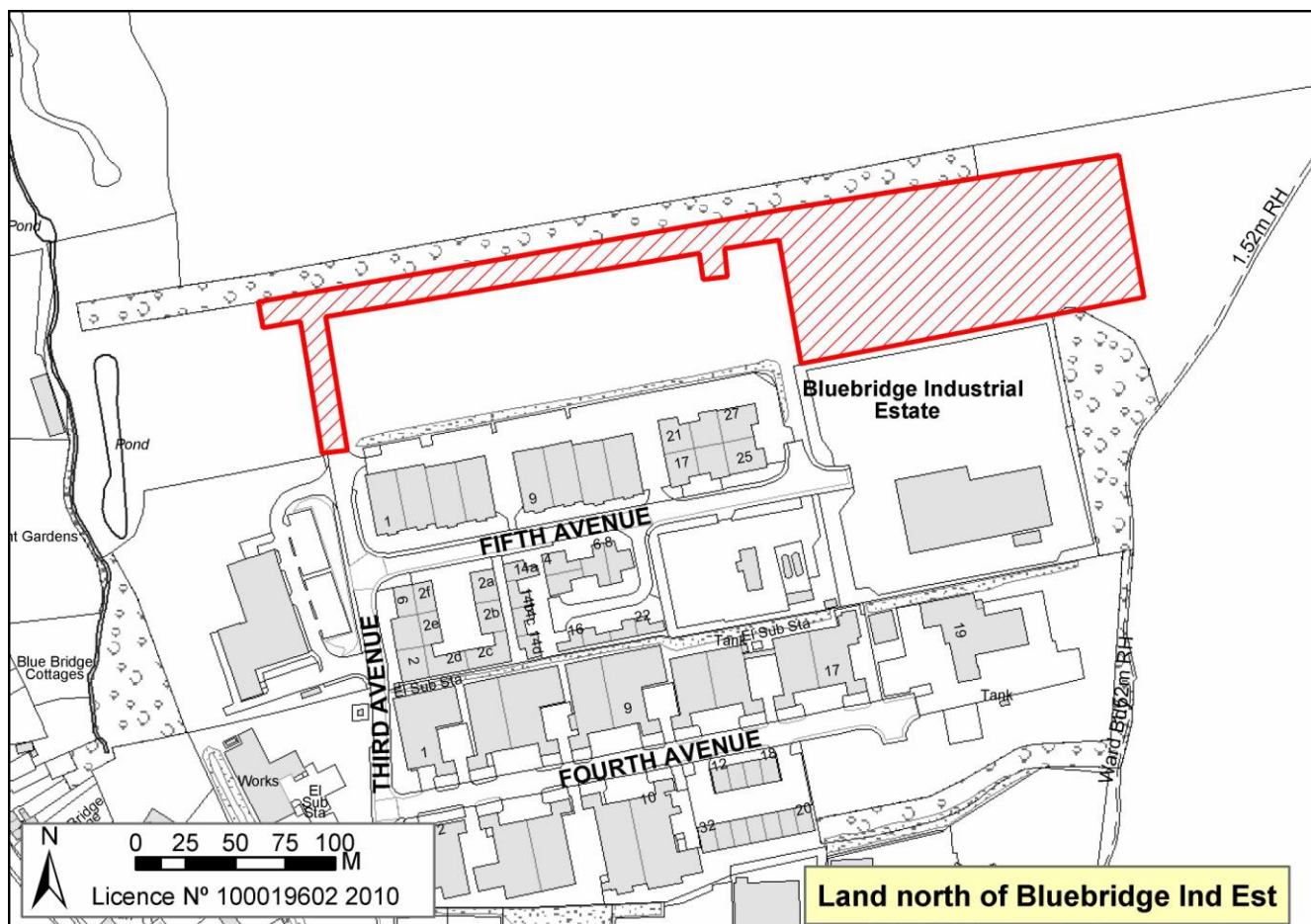
**Proposal:** Construction of an anaerobic digestion plant including combined heat and power with associated offices and new access

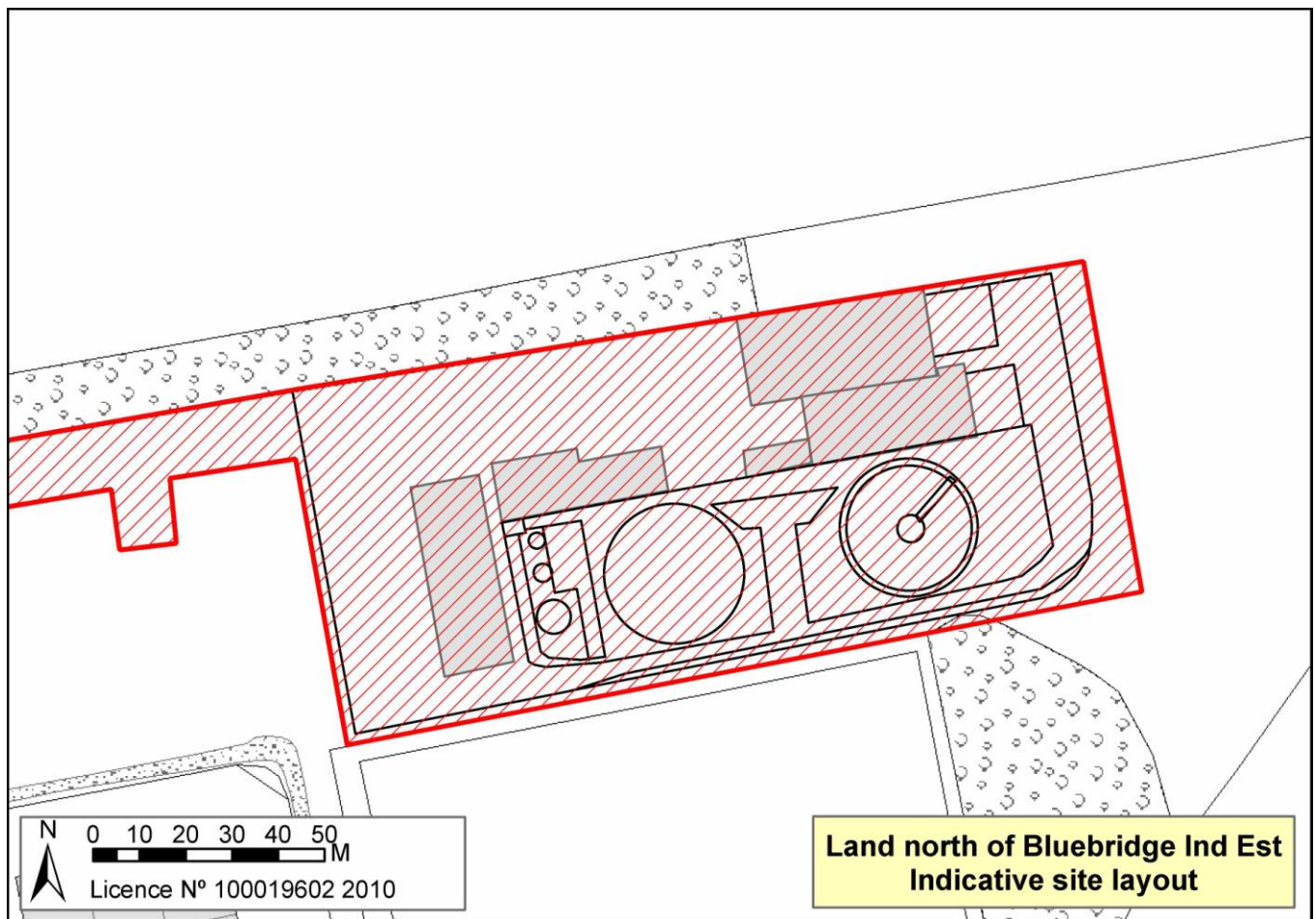
**Location:** Land north of Bluebridge Industrial Estate, Halstead, Essex

**Ref:** ESS/25/10/BTE

Report by Head of Environmental Planning

Enquiries to: Shelley Bailey Tel: 01245 437577





## 10. BACKGROUND & SITE

The 1.36 hectare proposal site lies on land to the north of Bluebridge Industrial Estate, off of the A1124 Colchester Road in Halstead, Braintree. It would be accessed via the northern section of Third Avenue and the haul route would run along the northern boundary of the field, thus leaving significant space (approximately 80m) between the site boundary and the industrial sheds which line Fifth Avenue to the south of the site.

The proposal site is a significantly higher landform than the existing industrial estate and rises from west to east, although the development area is relatively flat with a slight slope from north to south. The site is of a comparable level to the arable field to the north. The site is presently rough grassland which is not cultivated or farmed.

Properties in Fenn Road lie to the west of the site and are separated from it by a Council depot, ambulance station and allotment gardens, although many of the properties do have a clear view of the site due to their elevated position.

The northern and eastern boundaries of the site are denoted by a belt of trees and a hedgerow respectively, beyond which are open fields interspersed by isolated properties. The closest of these is approximately 300m to the east. One property approximately 400m to the north east is visible from within the site.

There is a secondary tree belt to the south of the site.

Footpath 22 (Halstead Urban) crosses the field to the north and runs adjacent to the north eastern site boundary for a short distance before continuing eastwards as Footpath 3 (Colne Engaine).

The site benefits from outline planning consent (Braintree ref 07/00681/OUT) for industrial development within Use Classes B1, B2 and B8, in line with the Local Plan allocation. The consent was granted by Braintree District Council in July 2007. Since that date several conditions attached to the consent have been discharged.

It is noted that the outline consent envisaged a degree of removal of earth on the site to reduce the overall height of proposed buildings. Condition 16 of the outline consent required details to be submitted relating to finished ground levels. This condition was discharged by Braintree District Council on 22 December 2009 and confirms that the lowering of ground levels is no longer required.

## **11. PROPOSAL**

The application is for the development of a new anaerobic digestion plant (ADP) on land at Bluebridge Industrial Estate, Halstead. The proposal site is located to the north of the existing buildings on the industrial estate, within an area allocated by Braintree District Council as an extension to the existing estate.

The development would include a 170mx80m plot comprising:

- a reception hall for the receipt of waste;
- a primary digester tank;
- a secondary digester tank;
- water treatment tanks;
- a two-storey office/workshop/Combined Heat and Power building;
- a separation and storage building; and
- associated car parking, cycle parking and landscaping.

Buildings would have natural timber external cladding, with red aluminium doors and window frames and profiled steel cladding forming the roof. Other building features, including tanks and flues, would be non-reflective grey in colour. The tallest aspects of the development would be the reception hall and digester tanks (10.5 metres high from site ground level).

The feedstock waste for the facility would comprise food from kerbside collections, restaurants, supermarkets and industrial sources, supplemented by locally grown energy crops to keep the ADP operating efficiently in the event that food waste arisings are low.

Waste would be delivered to the reception hall (the doors of which would be closed except when allowing vehicular access/egress) and turned into slurry for processing. An external unit would receive agricultural feedstocks. The slurry would be transferred into containers, sterilised with heat from the CHP plant, and moved to the digester tanks where it would decompose to form biogas (methane and carbon dioxide) and a liquid/solid residue over a period of 25 days in the primary

digester and 17 days in the secondary digester. Biogas would be collected and converted to electricity in the Combined Heat and Power building for local use or for feeding into the grid. The residue would be filtered in the separation and storage building, with the solid stored and then sold as soil conditioner, and the liquid sold either as dilute fertiliser or discharged to sewer.

The development would have the capacity to process up to 45,000 tonnes per annum of feedstock waste, producing up to 1.9 Megawatts of electricity, 1.5 Megawatts of exportable heat, 13,000 tonnes per annum of solid soil conditioner, and up to 45,000 tonnes per annum of very dilute liquid fertilizer. The exportable heat would be in the form of hot water at 95°, a result of the cooling processes in the electricity generation, and would be available for use within the local area.

The proposal details indicate that the plant would be open between 0800 and 1800 hours Monday to Friday, 0800 and 1200 hours on Saturdays, and closed on Sundays. The proposed associated vehicle movements would be likely to be 96 vehicle movements per day (48 in, 48 out), which would include 82 Heavy Goods Vehicle movements (41 in, 41 out) and 14 light vehicle movements per day (7 in, 7 out), the latter accounting for staff and visitors. The development would generate 7 full time employees.

The whole site would be regraded to create a series of terraces stepping up the slope from west to east. The proposed site for the anaerobic digestion plant would be the highest at 66m in the eastern section. An area at 64m would be incorporated to the south to accommodate taller proposed structures. A concrete block retaining wall would be installed to the north and east of the proposal site and between the 66m and 64m levels. The existing bank to the south along Fifth Avenue would be retained.

A 2m steel palisade fence and gate is proposed to surround the site. It would be painted a dark green colour to mitigate visual impact.

## 12. POLICIES

The following policies of the Essex and Southend Waste Local Plan, (WLP), adopted September 2001 and the Braintree District Local Plan Review, (BDLP), adopted July 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>BDLP</u>
Need for Waste Development	W3C	
Flood Control	W4A	
Water Pollution/Water Quality	W4B	RLP72
Access	W4C	
Anaerobic Digestion	W7C	
Schedule 1 sites	W8A	
Non-preferred sites	W8B	
Planning conditions and obligations	W10A	
Development Control Criteria/ Industrial and Environmental	W10E	RLP36



Standards		
Hours of Operation	W10F	
Rights of Way	W10G	
Town Development Boundaries		RLP2
Design and Layout of Business Parks		RLP31
Employment Allocation north of Bluebridge Industrial Estate		RLP42
Transport Assessments		RLP54
Travel Plans		RLP55
Vehicle Parking		RLP56
Development likely to give rise to pollution		RLP62
Air Quality		RLP63
Contaminated Land		RLP64
External Lighting		RLP65
Waste Reprocessing Facilities		RLP75
Renewable Energy		RLP76
Energy Efficiency		RLP77
Special Landscape Areas		RLP79
Landscape Features and Habitats		RLP80
Layout and Design of Development		RLP90

### 13. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – No objection. Comments as follows:

- The site is allocated for the expansion of Bluebridge Industrial Estate (Policy RLP42). Policy RLP75 allows development involving waste recovery within employment policy areas and Policy RLP76 encourages the integration of renewable energy generation into new developments.
- The applicant should actively engage with the community.
- How would noise mitigation be incorporated into the AD plant?
- Is it realistic that vehicles would take only 1 minute to unload and 30 seconds to leave?
- The assessment does not take into account concentrated vehicle movements at peak times.
- The assessment does not take into account noise impact on other commercial/industrial businesses.
- The assessment does not take into account background noise levels for the entire night.
- The assessment does not take into account how night time noise generated from plant at height would be mitigated.
- Recommends further assessment of individual sources to demonstrate effects of out of character noise on receptor properties.
- The extraction system on the hall and plant room should be sufficient to ensure a suitable number of air changes per hour using an activated carbon filter.
- Exhaust air should be extracted to a separate carbon filter.
- A dedicated system should ensure the exhausts of the road tankers used to export the digesters are filtered.
- An automated damper system should be installed on the gas boiler stack to prevent emissions from the plant room.

- The specification for the whole digestate, liquor and fibre should be adhered to.
- The retention of the existing tree belt along the south-east boundary would be preferable for screening purposes.
- A hedge along the palisade fence would soften its appearance.
- Consideration should be given to phasing the development with the adjoining development to ensure an end use for exportable heat in the interests of sustainability.
- The imposition of conditions covering the following should be considered: working hours, timing of mitigation measures in the Landscape and Visual Impact Assessment, adherence to the phase 1 Habitat Survey, vehicle noise mitigation measures, construction working hours, access arrangements, piling noise levels, burning of waste during construction, dust and mud control.

MID ESSEX PRIMARY CARE TRUST – Provides comments as follows:

- Issues of concern are bio-aerosols, odour, noise, small particles PM<sub>2.5</sub>, dust and emissions from gas engine exhausts.
- It is understood that the Environmental Permitting regime will cover the above concerns but the modelling assumptions will require careful regulatory review.
- Providing the above is undertaken, no significant concerns are raised regarding the health of the local population.

STATE VETERINARY AGENCY – Any comments received will be reported

ENVIRONMENT AGENCY – No objection subject to a condition relating to the mitigation measures against flooding as set out in the submitted Flood Risk Assessment. Comments as follows:

- The development would divert food waste from landfill, thereby reducing greenhouse gases, and would generate renewable energy.
- It would be in accordance with government policy and the Waste Strategy 2007.
- Suggests the operator ensures sufficient feedstock would be available, welcomes the export of heat and power and encourages the use of heat by neighbouring industries.
- Advises the applicant that digestate would be waste until it satisfies certain criteria.
- Is satisfied there would be no increase in flood risk as a result of the development.
- Advises that an Environmental Permit would need to be obtained prior to commencement of development.

HIGHWAY AUTHORITY – No objection subject to:

Prior to commencement of development:

- A financial contribution for highway improvements at the junction of First Avenue with Colchester Road.
- A financial contribution for bus stop improvements in Colchester Road.
- Provision of a scheme showing a turning and parking area and wheel wash

facilities during the construction period.

Prior to beneficial occupation:

- Construction and adoption (or adequate rights) of the access road from Third Avenue.
- Provision of details of a missing section of footway on the western side of Third Avenue and two dropped kerb crossings.
- Provision of details of the number, location and design of cycle parking facilities.
- Provision of a vehicular turning facility within the site.
- No unbound material to be used on the vehicular access within 15 metres of the highway boundary.
- Gates to be inward opening only and located a minimum of 10m from the edge of the carriageway.
- Provision of details to prevent the discharge of surface water onto the highway prior to commencement of development and implementation prior to beneficial occupation.
- Provision of parking bays with hard surface, sealing and marking out, and spaces a minimum of 2.9mx5.5m.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to conditions relating to plant and machinery operating only at permitted times and silenced in accordance with the manufacturer's recommendations, noise limits at noise sensitive properties and noise monitoring every 6 months.

THE WASTE DISPOSAL AUTHORITY – Comments as follows:

- The Joint Municipal Waste Management Strategy for Essex states that Essex aims to achieve 60% recycling of household waste by the year 2020. The Waste Disposal Authority's preference for dealing waste is with composting technologies such as Anaerobic Digestion for food or In Vessel Composting for mixed food and garden waste.
- Eleven Waste Collection Authorities have signed up to work with Essex County Council to achieve recycling and composting targets, primarily through the expansion of organic collection schemes.
- There is an ongoing requirement for the Waste Disposal Authority to provide treatment facilities for these wastes.
- Procurement for the provision of a facility to treat source segregated food waste and/or food and garden waste in a location in the south of Essex commenced in June 2010. Procurement for a facility in a central/north Essex location is likely to commence in early 2011.
- Essex County Council intends to offer authority controlled sites as part of both procurements although alternative sites can be proposed by prospective bidders.

NATURAL ENVIRONMENT (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

NATURAL ENVIRONMENT (Trees) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

BUILT ENVIRONMENT (Urban Design) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Any comments received will be reported.

BUILT ENVIRONMENT (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection subject to strengthening of the planting to the south of the site, with maintenance and frequent watering and notification to the planning authority in advance of such watering. The watering could be done with 'grey' water from the development. The gap in the tree belt along the northern boundary should be planted and the rest thickened with shrubs.

HISTORIC ENVIRONMENT (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No requirement for archaeological investigation.

HALSTEAD TOWN COUNCIL –Comments as follows:

- Nearby residents have not been consulted as they should have been.
- Additional vehicles would cause congestion in Colchester Road and with the Priory Hall and Central Piling site developments there is a case for a relief road around the town.
- The development is welcomed, however regular monitoring of noise, odour and hours of operation should take place and vehicle movements should be recorded and reported to the Town Council.

Comment: Occupiers of properties within 250m of the site boundary have been notified of the application and it has been advertised by site notice and in the local press, in accordance with statutory requirements and the adopted Statement of Community Involvement.

COLNE ENGAIN PARISH COUNCIL – Any comments received will be reported

LOCAL MEMBER – BRAINTREE – Halstead – Any comments received will be reported

#### **14. REPRESENTATIONS**

The applicant has carried out pre-application consultation with the local community, councillors and the Waste Planning Authority as advocated by Essex County Council's Statement of Community Involvement, adopted October 2009.

106 properties were directly notified of the application. 19 letters of representation have been received from 15 properties. A summary of the planning issues raised is included at Appendix A.

#### **15. APPRAISAL**

The key issues for consideration are:

- F. Need
- G. Policy considerations & Principle
- H. Amenity Impact
- I. Design

- J. Landscape Impact
- K. Tree and Ecological Impact
- L. Traffic & Highways
- M. Flood Risk
- N. Health & Safety

## A NEED

WLP Policy W3C (Need for Waste Development) requires significant waste management developments (with a capacity of over 25,000 tpa) to only be granted planning permission where there is a need for such a facility for waste arising in Essex and Southend. Further restrictions apply for developments with capacity over 50,000 tpa.

The development would divert up to 45,000tpa of food waste destined for landfill or in-vessel composting. This diversion is in compliance with national policy, namely the Waste Strategy for England 2007, which encourages local authorities and businesses to consider anaerobic digestion. The Environment Agency has responded to the application and commented that it welcomes the proposal.

The benefits of landfill diversion come from the diminishing landfill capacity nationally and within Essex, and also because biodegradable waste, such as food waste, decomposes in landfill and produces methane gas which is a greenhouse gas and a contributor to climate change.

The development would make use of the waste by converting it to a soil improver and utilising the gas to produce renewable energy in the form of electricity and heat. EDF has confirmed to the applicant the availability of a suitable point of connection for electricity distribution 100m from the site boundary within the industrial estate. In the future the electricity could be sold to tenants of industrial buildings planned for the remainder of the land to the north of the industrial estate.

There are no anaerobic digestion facilities within the County of Essex. The applicant has stated that the Essex Waste Partnership expects to collect 37ktpa of segregated food waste arisings by 2013/14, with a further 8ktpa from Colchester and a possible small additional volume from Babergh in Suffolk. Commercial and Industrial waste figures are less well documented but the applicant has put forward a figure of 84ktpa of separately collectable food waste from this waste stream in Essex, giving an approximate total of 130ktpa of food waste which is currently not, in the main, segregated at source but collected co-mingled with green waste or not separated from general waste, and so goes directly to landfill. The applicant has suggested that the key reason for this is the lack of facilities to treat segregated food waste.

Following further investigation into these figures using more up to date information from the County Council as Waste Disposal Authority, the applicant has clarified that the expected food waste volume would be 33kt in 2013/14 excluding Colchester waste arisings, or 36kt including Colchester. An approximate figure of 5kt would be generated if and when Colchester comes fully on line, giving a figure of approximately 38kt in later years. For Commercial and Industrial waste, the figure is projected to be 80-105kt. Essex County Council as Waste Disposal

Authority has confirmed that there should be sufficient feedstock from commercial and industrial wastes.

The Waste Partnership's Outline Business Case identifies 2 in vessel composting facilities used by the partnership under contract. Braintree, Rochford, Uttlesford and Southend Borough Council currently collect food waste and send it to one of those sites. All of the remaining districts except one will roll out source segregated collection within the next 5 years, so currently the majority of food waste is co-mingled with green waste collections.

The Partnership's preference is for Anaerobic Digestion technologies for the treatment of biowastes, facilitating renewable energy generation.

In respect of the need for the residues from the process, the digestate is proposed to be used as a soil conditioner. It is moist, odourless and has similar consistency to peat. It contains slow release nitrogen and immediately available phosphorous and potassium and is suitable for long term soil improvement on heavy clay soils found in the local area. The applicant has had discussions with local farmers about the use of the digestate on their land and intends to obtain a long term outlet for the product should planning permission be granted.

The liquid digestate could be utilised as fertiliser but contains less nitrogen than the solid digestate. It could be transported by tanker or pipeline to local farms or could be discharged to the sewer. This is yet to be defined by the applicant but the Transport Statement uses the tanker scenario, thereby presenting the 'worst case' scenario.

Although the development would only have capacity for up to 45,000tpa, it is still considered appropriate to restrict the source of waste to that arising in Essex and Southend, with the exception of a 30 mile radius to allow the development to be economically viable. This would ensure that the facility would be available for waste arising in Essex and Southend in accordance with WLP Policy W3C (Need for Waste Development).

It is therefore considered that a need has been proven for the facility, in compliance with WLP Policy W3C (Need for Waste Development) and WLP Policy W8A (Schedule 1 sites), which requires a need to have been proven and refers to WLP Policy W3C, and in compliance with the principles of the Waste Strategy.

## **B POLICY CONSIDERATIONS & PRINCIPLE**

Planning Policy Statement 10: Planning for Sustainable Waste Management has the overall objective to protect human health and the environment by producing less waste and using it as a resource wherever possible. One of the key planning objectives is to drive waste hierarchy, which anaerobic digestion with combined heat and power generation would help to achieve.

The proposed development would be located within the town development boundary as required by BDLP Policy RLP2 (Town Development Boundaries).

BDLP Policy RLP42 (Employment Allocation north of Bluebridge Industrial Estate)

allocates the land to the north, including that of the application site, as an employment site for B1, B2 and B8 uses and additional structural landscaping. It requires the development to be carried out in accordance with:

a study of flora and fauna,  
a structural landscaping scheme,  
achievement of slab levels no higher than Fifth Avenue,  
lorry movements associated with soil removal,  
consultations with Essex County Council on highway and mineral matters,  
ridge heights no higher than those in Fifth Avenue,  
buildings finished with dark matt colours, and  
no illuminated signs.

All of the above is considered to have been addressed, either through the submission of the current application or through the discharge of condition 16 of the outline planning consent granted by Braintree District Council. It is noted that the ground levels and ridge heights are no longer applicable due to the discharge of that condition and illuminated signs are not proposed.

Although the development is not classified as Use Class B1, B2 or B8 because waste development is generally considered to be sui generis i.e. it falls into a use class of its own, it is considered that the development is of a similar type to that of a B2 use. It is therefore considered that BDLP Policy RLP42 (Employment Allocation north of Bluebridge Industrial Estate) has been complied with.

Furthermore, WLP Policy W8B (Non-preferred sites) permits waste management facilities at areas other than the preferred sites including areas allocated for industrial or employment use in the local plan, such as the site proposed. This is subject to the criteria in WLP Policy W8A (Schedule 1 sites) where relevant, which will be considered further in the report.

Similarly, WLP Policy W7C (Anaerobic Digestion), inter alia, supports anaerobic digestion facilities as a method of treating putrescible waste materials and with the aim of producing a soil improver or growing medium and recovering energy, at locations stated within WLP Policy W8B.

BDLP Policy RLP75 (Waste Reprocessing Facilities) permits proposals involving waste recovery in employment policy areas subject to there being no unacceptable adverse impact on adjoining uses through noise, smell, dust or other airborne pollutants and there being no adverse impact on road safety or capacity. The development has been proposed within an employment policy area. The remaining elements of BDLP Policy RLP75 will be considered further in the report.

Therefore it is considered that the development of an anaerobic digestion facility with energy generation would be acceptable in principle in the location proposed. It would appear to comply with the overarching policies within the Development Plan that deal with waste development of the type proposed. The detailed impacts of the development will be considered further in the report.



## C

### AMENITY IMPACT

WLP Policy W10E (Development Control Criteria) permits waste management development where, among other requirements, the development would make satisfactory provision in respect of the effect on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants.

BDLP Policy RLP62 (Development likely to give rise to pollution), in summary, does not permit development which would give rise to polluting emissions to land, air, water or residents, including noise, smell, fumes and vibrations unless adequate preventative measures would be taken.

Similarly, BDLP Policy RLP36 (Industrial and Environmental Standards), in summary, does not permit development which would have an unacceptable impact in terms of noise, smells, dust, other pollution, health and safety, visual impact, traffic generation, contamination to air, land or water, nature conservation or light pollution.

Odour and Emissions: An Air Quality Assessment has been submitted with the application as required by BDLP Policy RLP63 (Air Quality). The report concludes that any residual odour would not be significant and is forecast to give no reasonable cause for annoyance. Bioaerosol generation would be negligible and it is forecast that no sensitive location close to the site would experience a significant impact.

Waste would arrive in enclosed vehicles which would not be opened until inside the building and the roller shutter doors have been closed behind it. The reception building would be under negative pressure to ensure no odours could escape whilst vehicles are entering and exiting.

Two biofilters located immediately to the east of the reception building would take air from the receiving facilities and filter it to remove odour. This would be discharged via an 11m flue. Braintree District Council has suggested that carbon filters should be used instead of biofilters, however the applicant has provided evidence to show that biofilters are the most suitable for the type of process proposed. It is also noted that the specifics of the filtering process would be included in the environmental permitting process, separate from the planning process.

The proposed 15m stack, located to the south west of the engine building, is concluded to be sufficient to ensure the adequate dispersion of NO<sub>2</sub> and CO in accordance with current Air Quality Objectives.

Digestate would be removed by road. Braintree District Council has commented that the air from the road tankers should be filtered. The applicant has stated properly made digestate should be odourless if conforming to PAS 110, thereby negating the need for such measures.

The Primary Care Trust has been consulted, and although preliminary concerns have been raised with regard to bioaerosols and odour, the Environment Agency has confirmed that an Environmental Permit would be required and thus these

aspects would be strictly controlled through the permitting regime. The Environment Agency has raised no objections to the development.

Dust: Ventilation and dust filters would ensure that any emissions of dust and particulates would be contained within the building and removed prior to air being released to the atmosphere via the proposed 11m flue, located to the east of the receiving building.

Dust generation outside of the building is proposed to be mitigated by routine sweeping as appropriate. This could be controlled more specifically through the imposition of a planning condition, should planning permission be granted.

The Air Quality Assessment concludes that the potential impact of dust and particulates would be negligible.

It is therefore considered that air quality objectives have been met and the development would comply with BDLP Policy RLP63 (Air Quality).

Noise: A Noise Assessment has been submitted with the application.

The assessment proposes that the construction materials used for the proposed buildings would provide some noise attenuation to ensure noise breakout would not contribute to existing noise levels at sensitive receptors. This would be achieved through the use of compressed straw as the infill between the inner and outer walls of the main buildings, and the CHP units would be supplied in soundproof enclosures. It is noted that the technical details of sound proofing would form part of the required Environmental Permit application.

It also proposes that plant and vehicles would be serviced regularly and fitted with silencers and that the amount of machinery used would be minimised.

Whilst the treatment of waste would take place on a 24 hour basis, the acceptance of waste and loading of vehicles with treated and untreatable waste would take place only during the hours of 0800 – 1800 hours Monday to Friday and 0800 – 1200 hours on Saturdays. For the avoidance of doubt, hours of use could be controlled through the imposition of a planning condition, should planning permission be granted, in compliance with WLP Policy W10F (Hours of Operation).

Staff would be educated to avoid unnecessary noise such as shouting and radios.

The assessment concludes that the main noise influence on noise receptors in the vicinity of the site is the traffic on the local road network and the premises on the existing industrial estate. It forecasts that the noise levels associated with the proposed development would not have an adverse impact on the existing residential receptors adjacent to the site, those being located at Bluebridge Cottages, on Fenn Road, in Cherry Tree Close and at Westwoods.

In answer to the queries raised by Braintree District Council, the applicant does consider it realistic that it would take approximately 1 minute for vehicles to reverse into the loading area and approximately 30 second to leave the loading

area and reach the access road. It has been suggested by the applicant that even if this were to take longer the predicted noise rating level would still be less than the current background noise due to the contribution of vehicle manoeuvring to the overall daytime sound level being negligible.

The same conclusion is true of the assessment of vehicle numbers at peak times. It has been put forward by the applicant that even if all waste delivery and public vehicles were to arrive and depart the site at the same time, the predicted noise rating level would still be less than the background noise levels at the receptors..

The night time noise assessment was carried out using the period of 0200 hours to 0400 hours because this was considered to be the quietest period during the night. The impact of the plant on night time noise has been assessed as negligible.

Braintree District Council has recommended further assessment of individual sources of noise. The applicant has stated that the assessment has been carried out as required by the BS4142 assessment.

The County Council's noise consultant has raised no objection to the proposals subject to conditions relating to plant and machinery operating only at permitted times (as above) and silenced in accordance with the manufacturer's recommendations as proposed within the application. Noise limits at noise sensitive properties are recommended together with noise monitoring every 6 months. This could be controlled through the imposition of an appropriately worded condition, should planning permission be granted.

Visual: Visual impact from a landscape point of view is considered later in the report, however with respect to the specific issue of visual amenity for neighbouring occupiers, the properties most affected are considered to be those in Fenn Road to the west. These properties have a full view of the proposal site and would continue to see it should the development gain planning permission and be built. However, it is noted that these views are available within the context of the existing industrial estate which can also be seen from those properties. The existing short distance views for occupiers of properties along Fenn Road are considered to provide a poor visual amenity due to the overlooking of the County Council depot and ambulance station and the existing industrial estate. Therefore it is considered that the longer distance views of the proposed development, whilst undeniably present, would not have significant detriment on the visual amenity of occupiers of Fenn Road. In making this assessment it is noted that the site was always envisaged to be used for industrial purposes within the Local Plan and that outline consent already exists for industrial buildings of unspecified design on the proposal site.

Businesses within the existing industrial estate would have a view of the proposed development due to its proposed elevated position, however it would not be dissimilar in scale and massing to the other warehouses and buildings providing an existing backdrop within the industrial estate and as the businesses are not residential properties the impact is not considered to be significant.

Light: BDLP Policy RLP65 (External Lighting) requires, in summary, high quality design of lighting which does not significantly impact on amenity or road users and does not cause unacceptable harm to natural ecosystems.

Lighting is proposed to be located on the buildings and the main digester tank, however no details have been provided. Therefore it is considered appropriate that, in order to ensure compliance with BDLP Policy RLP65 (External Lighting), a condition could be imposed to control external lighting should planning permission be granted.

Overall it is considered that the development would adequately control polluting emissions in compliance with BDLP Policy RLP62 (Development likely to give rise to pollution) and also the aspect of BDLP Policy RLP75 (Waste Reprocessing Facilities) which requires no unacceptable adverse impact on neighbours by reason of noise, smell, dust and other airborne pollutants. It is also considered that the development would comply with the amenity requirements WLP Policy W10E (Development Control Criteria) and BDLP Policy RLP36 (Industrial and Environmental Standards); other aspects of these policies will be considered further in the report.

## D DESIGN

BDLP Policy RLP90 (Layout and Design of Development) requires a high standard of design and layout in all developments.

BDLP Policy RLP77 (Energy Efficiency) requires, in summary, new development to incorporate energy conservation and efficiency measures.

The site layout is considered to be well conceived in relation to the access road and in allowing adequate and logical space for vehicle movements within the site. The buildings themselves are considered to be appropriately located, particularly the building to the west which would serve to partially screen the digester tanks from the properties to the west.

The buildings would be constructed with natural timber construction and profiled steel cladding with pitched roofs. The applicant has incorporated straw bale insulation, timber cladding, recycled rainwater, low energy lighting and low water use appliances into the design in order to increase its sustainability.

Ground floor level access entry and a disabled WC are proposed in the offices to assist with disabled access.

The digester tanks would be painted steel and the colour could be controlled via condition, should planning permission be granted.

It is considered that these measures would ensure compliance with BDLP Policies 77 (Energy Efficiency) and RLP90 (Layout and Design of Development).

It is also considered that the development would comply with WLP Policy W8A (Schedule 1 sites), which requires a high standard of design with landscaping and screening where necessary. Landscaping will be considered further in the report.

## E LANDSCAPE IMPACT

The site is surrounded by a Special Landscape Area to the north and east. The Special Landscape Area is controlled by BDLP Policy RLP79 (Special Landscape Areas). Development likely to cause permanent loss or damage to the traditional rural qualities of the countryside, or its essential rural character, will be refused.

WLP Policy W8A (Schedule 1 sites) requires landscaping and screening where necessary.

BDLP Policy RLP76 (Renewable Energy) encourages and permits renewable energy schemes and the integration of renewable generation into new developments where no demonstrable harm is caused to landscape, nature conservation or historic features.

WLP Policy W10E (Development Control) permits waste management where satisfactory provision is made in respect of the effect of the development on the countryside.

The existing industrial estate is situated on the northern slopes of the Colne Valley and is visually significant in the local landscape. The existing estate buildings are brick with metal cladding and roofs. Those closest to the site are grey in colour and approximately 7.25m to the ridge height from ground level, that ground level being significantly lower than the application site. A tall cylinder is the most prominent feature above the buildings.

The layout of the development would utilise the natural slope of the site to minimise the visual impact. The site would be level with the exception of a 2m lower level surrounding the digesters. This would reduce the visual impact of the tanks, the tallest aspect of the development, and provide bunding for safety.

The receiving facilities would have a double ridge roof with a height of 10.5m, the store and machinery a height of 8m, and the CHP and boiler room, workshop and office building would have a flat roof with a height of 7m. The primary and secondary digesters would have a height of 12.5m, although the ground level would be reduced by 2m, giving a height of 10.5m when compared with surrounding ground levels.

The receiving facilities height of 10.5m would be required to allow tipping of some vehicles and for processes involving gravity feed of the waste. Shallow roof pitches have been utilised in order to keep visual impact to a minimum.

A Landscape and Visual Impact Assessment has been submitted with the application which concludes that there would be a moderate to minor negative impact on the landscape to the north, but that over time the existing tree belt and additional planting would mitigate that impact.

The existing tree belt is well established along the length of the northern boundary except in a 100m section on higher ground to the east, where it is sparsely vegetated. The trees are an average of 8m in height and are growing at a rate of

approximately 300mm per annum.

The LVIA goes on to say that, when viewed from the south, the development would be likely to have an impact on the skyline, as it would break the canopy line of the northern tree belt, but only when viewed from the lower valley slopes below the level of the site. An existing tank within the industrial estate already breaks the skyline from this location. Therefore for an estimated temporary period of 5 years there would be a minor negative effect on the skyline from this location until the trees have grown in height.

The finish of the buildings would be timber and it is considered that this, together with a condition to control the colour of the digester tanks, would serve to mitigate the visual impact on the landscape.

In addition, access to the biofilters to the east of the buildings is required but only occasionally, therefore grass pavers have been proposed in order to assist in integrating the development into the landscape.

It is noted that an outline consent exists, permitted by Braintree District Council, for industrial use on the application area. Condition 16 of that consent has been discharged by Braintree District Council and permits unspecified 'buildings' of 10m in height. With this in mind, the applicant has agreed that the buildings and digester tanks could be reduced to 10m in height by excavating a further 0.5m into the ground. This would serve to keep the height at that of the already permitted development, which had been deemed acceptable by the Local Planning Authority. The only features above the 10m level would be the 11m flue and 15m stack, which although they would be visible are not considered to be particularly intrusive due to their relatively narrow bulk.

Braintree District Council has suggested that a hedge along the proposed palisade fence would soften its appearance. It is considered that the suitability of such a measure could be considered through a landscaping condition as discussed below.

The County Council's Landscape Officer has raised no objection to the development subject to strengthening of the planting to the south of the site, with maintenance and frequent watering and notification to the planning authority in advance of such watering. The watering could be done with 'grey' water from the development. It is also suggested that the gap in the tree belt along the northern boundary should be planted and the rest thickened with shrubs. These planting and maintenance details could be controlled through condition should planning permission be granted.

It is therefore considered that, subject to the imposition of a condition requiring the buildings and digester tanks to be lowered into the ground in the event that planning permission is granted, the development would be acceptable in landscape terms and would comply with BDLP Policies RLP79 (Special Landscape Areas) and RLP76 (Renewable Energy) and WLP Policies W8A (Schedule 1 sites) and W10E (Development Control).

## F TREE AND ECOLOGICAL IMPACT

WLP Policy W10E (Development Control) permits waste management development where satisfactory provision has been made in respect of the effect of the development on nature conservation.

BDLP Policy RLP36 (Industrial and Environmental Standards) does not permit new development where it would have an unacceptable impact on nature conservation interests.

BDLP Policy RLP80 (Landscape Features and Habitats) requires, in summary, new development proposals to include an assessment of their impact on wildlife together with mitigation measures and does not permit development which would not successfully integrate into the local landscape.

A Phase 1 Habitat Survey has been submitted with the application, which identifies the site as low ecological value with no protected plant species identified. A log pile identified within the site has the potential to be used as reptile refuge and is recommended to be retained, however if removed it should be done by hand. Work carried out on the trees or shrub should be done outside of the bird nesting season (March-September). A phase 2 survey for reptiles was recommended and carried out. It found no evidence of reptiles using the site. The report concludes that with sensitive landscaping and the introduction of additional ecological features the development could have a positive effect on wildlife in the locality.

It is noted that the Ecology Officer has no objection to the proposals.

The secondary tree belt to the south would be removed to make way for the development. In addition, the tree belt to the north would be reduced in thickness to accommodate the access route along it. A condition requiring planting along the southern boundary could be imposed in the event that planning permission is granted, as explained earlier in the report. This would serve to soften the appearance of the development when viewed from the south.

The tree belt to the north would be reinforced with new planting and additional native vegetation would be planted to the east and west of the site, including woodland vegetation on higher ground and a wildlife area on land to the west.

The applicant has proposed to protect retained trees in accordance with BS 5837: Trees in Relation to Construction, and the Tree Officer has raised no objection.

It is therefore considered that the development would comply with WLP Policy W10E (Development Control) and BDLP Policies RLP36 (Industrial and Environmental Standards) and RLP80 (Landscape Features and Habitats).

In addition, a Land Contamination Assessment has been submitted with the application in accordance with BDLP Policy RLP64 (Contaminated Land).

## G

### TRAFFIC AND HIGHWAYS

BDLP Policy RLP31 (Design and Layout of Business Parks) requires, in summary, new development to have adequate car parking, provision for public transport, cycling, landscaping and servicing.

Landscaping has been considered previously in the report. The other criteria will be considered below.

BDLP Policies RLP54 (Transport Assessments) and RLP55 (Travel Plans) respectively require, in summary, applications for major development to include a Transport Assessment and Travel Plan. It is noted that a Travel Plan has not been included with the application, however the number of employees at the site would be relatively low and the Highway Authority has not required a Travel Plan.

BDLP Policy RLP36 (Industrial and Environmental Standards) does not permit proposals where access roads would not be adequate to cope with consequential traffic and WLP Policy W4C (Access), requires waste management sites to be accessed (normally) via a short length of existing road to the main highway network and via a suitable existing junction, improved if required.

Vehicular and pedestrian access would be from the north-western corner of the main development plot, with the haul route leading to the existing access road through the industrial estate to the south.

The site would provide adequate space for vehicle manoeuvring and queuing without impacting on the industrial estate roads.

A weighbridge is proposed for use on entrance and exit to the site and a wheelwash would be used by vehicles prior to exit.

A Transport Statement has been submitted with the application. It is noted here that a Statement has been considered adequate by the Highway Authority and a Transport Assessment has not been required, and the application is therefore considered to comply with BDLP Policy 54 (Transport Assessments). The Transport Statement has put forward a likely scenario of 96 vehicle movements per day (48 vehicles) including staff and visitors and a 'worst case' scenario of 142 vehicle movements per day (71 vehicles) per day including staff and visitors. This is based on the shortest number of working days in a year, the smallest HGVs and the maximum operational input and output and would give an average flow of 14 vehicles per hour over a 10 hour day.

The maximised use of the site for B1, B2 or B8 uses has also been assessed and produces a worst case scenario of 315 – 1085 vehicle movements per day. Therefore the proposal would result in significantly lower numbers of vehicle movements than the applicant considers would be generated by other potential alternative industrial and commercial uses.

6 car parking spaces and 2 cycle spaces would be located close to the entrance of the site and the office space. The adopted Essex Parking Standards: Design and Good Practice for recycling centre/civic amenity sites allow a maximum of 1



space per 50m<sup>2</sup> for B2 uses. It is considered appropriate to use this use class in relation to the development proposals.

With 7 full time employees, the proposed parking numbers are considered appropriate and compliant with BDLP Policy RLP56 (Vehicle Parking), which requires compliance with the Adopted Vehicle Parking Standards.

The Highway Authority has raised no objection subject to various conditions and provisions through a legal agreement. The legal agreement is proposed to cover the following:

Prior to commencement of development:

- A financial contribution towards highway improvements at the junction of First Avenue with Colchester Road and other highway improvements in the vicinity of the aforementioned junction.
- A financial contribution towards bus stop improvements in Colchester Road, to include bus shelter, seating, lighting, timetable information, raised kerbs, bus stop sign and provision of bus telematics.

Prior to beneficial occupation of the development:

- The access road from Third Avenue to the development to be constructed and adopted by Essex County Council or adequate rights to be shown over this access road.
- Details shall be submitted for the provision of a missing section of footway on the western side of Third Avenue together with two dropped kerb crossings to allow adequate pedestrian access between the application site and the footway network.

Providing that the requirements of the Highway Authority are secured, either through condition or legal agreement, as advocated by WLP Policy W10 (Planning Conditions and Obligations), it is considered that the development would comply with the requirements of BDLP Policies RLP31 (Design and Layout of Business Parks) and RLP36 (Industrial and Environmental Standards) and WLP Policy W4C (Access). This in turn means that the relevant criterion of WLP Policy W8A, which is required to be considered by WLP Policy W8B, namely that adequate road access is provided in accordance with WLP Policy W4C, would be complied with.

It is also considered that the development would comply with the remaining aspects of BDLP Policy RLP75 (Waste Reprocessing Facilities), as discussed previously in the report, which permits development involving waste recovery in employment policy areas subject to there being no adverse impact on the surrounding road network. It is also considered to comply with the remaining aspect of BDLP Policy RLP36 (Industrial and Environmental Standards), which requires there to be no unacceptable impact on the surrounding area as a result of traffic generation. The policy also requires refusal of proposals where access roads would not be adequate to cope with consequential traffic.

With regard to BDLP Policy RLP55 (Travel Plans) it is considered that the provisions of the legal agreement would adequately acknowledge public transport requirements for the proposed development, without the need for a Travel Plan. However, the applicant has suggested that the employees would be advised by the Travel Plan Coordinator for the previously consented larger site.

The relevant requirement of WLP Policy W10E (Development Control Criteria), which permits waste management development where satisfactory provision has been made in respect of the impact of road traffic generated by the development on the highway network, is considered to have been met.

WLP Policy W10G (Rights of Way) requires applications for waste management facilities to include measures to safeguard and, where practicable, improve the rights of way network. As stated previously in the report, Footpath 22 (Halstead Urban) and Footpath 3 (Colne Engaine) are located nearby but would not be directly impacted by the proposed development. It is therefore considered unnecessary to require development associated with the footpaths.

## H FLOOD RISK

WLP Policy W4A (Flood Control), in summary, permits waste management development only where there would not be an unacceptable risk of flooding or adverse effect on the water environment and existing and proposed flood defences are not interfered with.

WLP Policy W4B (Water Pollution) permits waste management development only where there would not be unacceptable risk to surface or groundwater quality or impediment to groundwater flow.

BDLP Policy RLP72 (Water Quality) does not permit development which would pose an unacceptable risk to the quality of ground or surface waters.

WLP Policy W10E (Development Control) permits waste management development where satisfactory provision is made in respect of the effect of the development on land drainage.

BDLP Policy RLP36 (Industrial and Environmental Standards) does not permit development if it would have an unacceptable impact on the surrounding area in terms of contamination to water.

The site is within Flood Zone 1, thereby having a low probability of flooding. However a Flood Risk Assessment (FRA) has been submitted with the application as required by PPS25 for development of the scale proposed.

The FRA has demonstrated that there would be no increase in flood risk resulting from the proposed development and the Environment Agency has raised no objection. The proposals include an extension of the existing balancing reservoir to the west of the site in order to accommodate surface water flows. A condition could be imposed to ensure water flows are managed, should planning permission be granted.

In view of the above it is considered that the development would comply with WLP Policies W4A (Flood Control), W4B (Water Pollution) and WLP Policy W10E (Development Control) and BDLP Policies RLP72 (Water Quality) and RLP36 (Industrial and Environmental Standards).

## **I HEALTH & SAFETY**

BDLP Policy RLP36 (Industrial and Environmental Standards) does not permit development if it would have an unacceptable impact on the surrounding area in terms of health and safety.

The Primary Care Trust has submitted a preliminary view that, in the absence of confirmation that a permit would be required, greater consideration should be given to bio-aerosols, odour, noise, abatement of small particles PM<sub>2.5</sub>, the need for site management and maintenance.

The applicant has provided a comprehensive reply on these issues and has confirmed that the development would require a permit under the Environmental Permitting Regulations 2007 as well as a permit from Animal Health under the Animal By Products Regulations 2005. The Environmental Permit would address the specific issues raised by the Primary Care Trust. This information has been forwarded to the Primary Care Trust and their response has been that the modelling assumptions and adequacy of mitigation and control measures would require careful regulatory review. It is therefore understood that the issues would be thoroughly addressed through the permitting regime.

It is considered that issues of health and safety have been adequately considered through the planning application and would be sufficiently addressed through the permitting regime. Therefore it is considered that the development would comply with BDLP Policy RLP36 (Industrial and Environmental Standards).

## **16. CONCLUSION**

In conclusion, it is considered that a need has been demonstrated for the facility, in compliance with WLP Policies W3C (Need for Waste Development) and W8A (Schedule 1 sites).

The proposed location on employment land to the north of the existing industrial estate is entirely appropriate in compliance with BDLP Policies RLP2 (Town Development Boundaries), RLP42 (Employment Allocation north of Bluebridge Industrial Estate) and RLP75 (Waste Reprocessing Facilities) and WLP Policies W8B (Non-preferred sites) and W7C (Anaerobic Digestion).

Potential issues for local amenity arising from developments such as that proposed could be noise, odour, dust, air quality and visual impact from light and the buildings themselves. The applicant has satisfactorily demonstrated that these issues would be adequately controlled either through the design of the facility or through the imposition of conditions on any planning permission granted. The development would therefore be considered to comply with WLP Policy W10E (Development Control Criteria) and BDLP Policies RLP62 (Development likely to

give rise to pollution), RLP36 (Industrial and Environmental Standards), RLP63 (Air Quality) and RLP65 (External Lighting).

The design and layout of the development itself has been proposed with the visual impact on the surroundings in mind, so that the taller tanks would be located to the south on lower ground. The applicant has also agreed that a further 0.5m could be excavated into the ground in order to mitigate the height of the tanks to that permitted by the outline consent granted by Braintree District Council. This could be required by condition and would ensure the development would comply with BDLP Policies RLP90 (Layout and Design of Development) and RLP77 (Energy Efficiency).

It is further considered that, when considering the proposed development in the context of the existing industrial estate, the location on land allocated for employment and the outline consent already granted, the Special Landscape Area to the north and east would not be unduly impacted upon. This is also true for the surrounding landscape as a whole, especially as additional planting and maintenance of that planting could be controlled by condition should planning permission be granted. It is therefore considered that the development would comply with BDLP Policies RLP79 (Special Landscape Areas) and RLP76 (Renewable Energy).

Providing the recommendations contained in the application are followed it is considered that there would be no significant detrimental impact on ecology or trees, in compliance with BDLP Policy RLP80 (Landscape Features and Habitats) BDLP Policy RLP64 (Contaminated Land).

The impact on traffic and highways has not been assessed as being particularly significant or detrimental. The site is allocated for employment use and the uses already consented by Braintree District Council have been assessed as having greater vehicle movements associated with them than the proposed development would have. The Highway Authority has raised no objection subject to the imposition of various conditions and to requirements which could be secured through a legal agreement. Therefore the development is considered to comply with BDLP Policies RLP31 (Design and Layout of Business Parks), RLP54 (Transport Assessments), RLP55 (Travel Plans), RLP36 (Industrial and Environmental Standards) and RLP56 (Vehicle Parking) and WLP Policy W4C (Access). The nearby Footpaths would also not be detrimentally affected, in compliance with WLP Policy W10G (Rights of Way).

Flood risk and impact on water quality would not be increased as a result of the proposed development and a condition could ensure that water management would take place. The development therefore comply with WLP Policies W4A (Flood Control) and W4B (Water Pollution) and BDLP Policy RLP72 (Water Quality).

Health and safety issues are considered to have been adequately addressed to allow planning permission to be granted, and would be further controlled by the permitting regime. It is noted that the Primary Care Trust has raised no objections on health grounds and it is considered that the development would comply with BDLP Policy RLP36 (Industrial and Environmental Standards).

## 17. RECOMMENDED

That, subject to the prior completion of a legal agreement for the provision of financial contributions and highway works, planning permission be **granted** subject to conditions covering the following matters:

1. COM1 - Commencement
2. COM3 - Compliance with Submitted Details
3. WAST1 – Waste Type Restriction
4. DUST1 – Dust Suppression Scheme
5. DUST3 – Spraying of Haul Road
6. HOUR3 – Hours of Operation (Waste Specific) (treatment of waste 24 hours, acceptance of waste and loading of vehicles with treated and untreatable waste 0800 – 1800 hours Monday to Friday and 0800 – 1200 hours on Saturdays).
7. NSE1 - Noise limits.
8. NSE3 – Monitoring Noise Levels (6 monthly).
9. NSE6 – Silencing of Plant and Machinery
10. LGHT1 – Fixed Lighting Restriction.
11. LAND1 - Landscape Scheme
12. LAND2 – Replacement Landscaping including maintenance of planting (watering and mulching)
13. HIGH1 – Site Access Road (Constructed First)
14. HIGH2 – Vehicular Access
15. HIGH3 – Surfacing/Maintenance of Access Road
16. HIGH4 – Prevention of Mud and Debris on Highway
17. HIGH8 – Parking Areas
18. HIGH12 – Vehicle Turning Areas
19. HIGH13 – Surface Material
20. HIGH14 - Gates
21. HIGH15 – Surface Water
22. DET5 – Waste Building Design and Construction
23. Throughput restriction to 45,000 tpa
24. Construction working hours
25. Submission of a scheme for the lowering of ground level for tanks by 2.5m
26. Essex and Southend only waste restriction plus a 30 mile radius from the site boundary.
27. Details to be submitted for turning, parking area and wheel wash facilities during construction.

---

## BACKGROUND PAPERS

Consultation replies

Representations

Ref: P/DC/Shelley Bailey/ESS/25/10/BTE

## LOCAL MEMBER NOTIFICATION

BRAINTREE – Halstead

## APPENDIX A

### Observation

### Comment

#### Traffic and Highways

Colchester Road is already congested and difficult to pass due to parked cars. HGVs would queue and increase the problem.

The location of the site is acceptable in terms of policy and the Highway Authority has raised no objection.

Vehicles speed as they leave the restricted speed zone towards Earls Colne.

Speeding traffic is an issue for the police.

The footpath along Colchester Road is very narrow and increased HGV movements would cause a safety issue for pedestrians.

See appraisal.

Two proposed residential developments, one at Central Park opposite the Industrial Estate, would create a combined impact of traffic on Colchester Road.

The application for development at Central Park (application ref 09/00699/FUL) on the opposite side of the road to the industrial estate was refused by Braintree DC then dismissed at appeal. The development site at Priory Hall (application ref 08/01714/FUL) is located further towards Halstead on the Colchester Road and is for accommodation for the over 55s. It was granted in December 2008 and amended in June 2010 (application ref 10/00509/FUL).

Fenn Road would experience increased traffic. Cars parked along the road mean there is not always enough room to pass, including for emergency access.

It is not anticipated that HGVs would use Fenn Road to access the industrial estate.

Vehicle movements allowed for the outline permission are unrealistic and the (District) Council must have been misled in allowing such a number in an area with existing traffic problems.

Braintree District Council has confirmed the vehicle movements associated with the outline permission are 1110 vehicles per day for the industrial area and 54-80 per day HGV movements for the removal of soil (originally envisaged, now not required). The application was accompanied by a Highway traffic and Transport Statement and the Highway Authority raised no objection subject to financial contributions for junction improvements.

The only route to the Industrial Estate is via Halstead town centre which is steep and unfit for regular heavy traffic.

The High Street is the only route to the industrial estate, it is public highway and therefore any vehicle can travel on it. The Highway Authority has raised no objection.

In the event of an accident in the town centre the County Council would be responsible for not carrying out a risk assessment.	A Transport Statement has been submitted which assesses the potential impact of the HGVs associated with the proposed development. The Highway Authority has raised no objection.
Access and egress should be given greater consideration.	See appraisal.
7 full time jobs is not a fair trade for disruption, pollution and traffic chaos at the junction of the A1124 and the A131.	See appraisal.
There is no footpath along the junction of the A1124 and A131 and people already walk through the church yard.	It is understood that the footway through the church yard is adequate.
A bypass should be required as planning gain for Halstead.	'Planning gain' as such is not permitted by virtue of Circular 05/05, as any requirements through a planning obligation must meet the tests, one of which is that it must be necessary to make the development acceptable. A bypass route is shown in the Local Plan however there are currently no proposals to bring this forward.
Vehicles accessing from the A120 through Earls Colne consistently crash into the wall opposite the church. If arriving from Braintree they have to negotiate the High Street and from Sudbury narrow roads.	The location of the site is acceptable in terms of policy and the Highway Authority has raised no objection. Vehicle routeing cannot be controlled through the planning process.
School children use the routes to the site which are narrow with narrow pavements, presenting a safety concern.	The location of the site is acceptable in terms of policy and the Highway Authority has raised no objection.
Second Avenue is already parked with cars on the right hand side and would be a hazard for increased heavy vehicle numbers.	The location of the site is acceptable in terms of policy and the Highway Authority has raised no objection.
The industrial estate roads themselves are in a poor state of repair, making them unsafe, and heavy vehicles would cause further damage.	See appraisal.
The Council has an opportunity to have a bond on repairs to the existing road into the industrial estate.	See appraisal.
Blue Bridge Cottages are shaken by heavy vehicles passing.	Not a planning issue.

Heavy vehicles are regularly unable to turn and block Colchester Road at the junction by St Andrews Church.

The junction has been built to acceptable standards according to the Highway Authority. It is not considered that the proposed development would justify alterations to the junction.

### Amenity

The development would be in direct view of properties along Fenn Road.

See appraisal.

Food waste would create odour for nearby residents, specifically for Beech Avenue, Coggeshall Way, Fenn Road, Cherry Tree Close, Blue Bridge Cottages, Colchester Road and Brook Farm Close. Also for employees of the existing industrial estate.

See appraisal.

Braintree DC has experienced a number of difficult retrospective enforcement orders covering odour pollution in Hedingham, Braintree and Witham.

Braintree Planning Department has been unable to confirm this is true due to the lack of specific location provided.

Waste such as cattle or pig slurry may be used in the plant, causing odour problems.

A small amount of slurry would be required to start off the digestion process. This would be delivered in tankers and pumped into the digester. After that none would be used.

The HGVs would cause odour problems when passing local residences.

See appraisal.

Air pollution would be a problem, particularly when the doors are open.

See appraisal.

Food waste would encourage vermin.

See appraisal.

Constant running of the plant through the night would create noise for residents.

See appraisal.

Noise would be a problem when the doors are open, which would be most of the time due to the number of vehicles accessing the building.

See appraisal.

The processing plant, vents and lorries would create noise.

See appraisal.

Consider residents' homes, life investments and health.

See appraisal.



Trees were cut down approximately 4 months ago and should be replaced prior to development taking place.

See appraisal.

### Procedural Issues

Would like the chance to see other plants which are running before the scheme is imposed on the community.

There are not other anaerobic digestion facilities within the County of Essex.

Questions whether the County Council will carry out their own assessments to verify the applicant's.

The County Council has consulted the relevant departments and bodies with the expertise to verify the assessments contained within the application.

Questions whether the Planning department will visit residents living close to existing plants to verify the applicant's assessments.

As above.

Consultation was not undertaken with residents in Brook Farm Close who have not all been contacted by the applicant or by ECC.

ECC has consulted all residents within 250m of the site boundary, including those living in Brook Farm Close.

Pre-application consultation was not undertaken by the applicant.

The applicant has stated that local residents have been contacted prior to submission of the application. Residents were also contacted post-submission.

ECC should liaise with Braintree District Council.

Braintree District Council are a statutory consultee and have provided comments in response to this application – see section 4 of the report.

A meeting with ECC, the applicant and residents would be welcomed.

It is not usual practice for ECC to meet with residents and all applications should be treated equally.

### Location

Try locating the plant in Nayland.

The application site is appropriate for the proposed use according to the Development Plan – see appraisal.

Questions whether other sites were considered possible as Bluebridge is unacceptable.

The application site is appropriate for the proposed use according to the Development Plan – see appraisal.

From knowledge of existing plants the proposal would be a blot on the landscape as arriving from the Colchester direction.

See appraisal.

The industrial estate is for light industrial units, of which the proposal is not.

The application site is appropriate for the proposed use according to the Development Plan – see appraisal.

Appropriate sites for such development are within existing major electrical distribution complexes, disused airfields or disused brown field sites, all away from residents.

The application site is appropriate for the proposed use according to the Development Plan – see appraisal.

#### Other Issues

Official guidelines say facilities over 50,000 tpa are major plants. The proposed threshold is 45,000 tpa but this would be exceeded.

See appraisal.

Toxic combustible gas would cause a risk of explosion or fire.

The applicant has stated that there is no history of explosion or fire relating to Anaerobic Digestion Plants.

Comment that property values are not a planning issue but wishes to include it in any case.

Not a planning issue.

POLICY	POLICY WORDING	CONFORMITY WITH THE FRAMEWORK
<b>Essex and Southend Waste Local Plan 2001</b>		
W3A	<p>The WPA will:</p> <ol style="list-style-type: none"> <li>1. In determining planning applications and in all consideration of waste management, proposals have regard to the following principles: <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> </li> <li>2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</li> <li>3. Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</li> </ol>	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS 10 supersedes 'BPEO'.</p> <p>PPS 10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS 10</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been demonstrated for waste arising in Essex and Southend.</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies one of which is to help implement the national waste strategy, and supporting targets, are consistent with obligations required under European</p>

	<p>In the case of non-landfill proposals with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh any harm caused;</li> <li>• Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5;</li> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS 10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and it's source the policy is considered consistent with the requirements of PPS 10</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the Framework states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS 10 highlights at section a. protection of water resources that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care'.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the</p>

		local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS 10 and the Framework.
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</li> <li>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</li> </ol>	<p>Paragraph 21 (i) of PPS 10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the Framework states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with Paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the Framework and PPS 10.</p>
W6A	The WPAs will seek to work with WDAS/WCAS to support and promote public, private and voluntary sector initiatives to reduce, re-use and recycle waste arising's in an environmentally acceptable manner in accordance with the policies within this Plan.	<p>PPS 10 at Paragraph 3 highlights the key planning objectives for waste management development. Two of the objectives are as follows;</p> <ul style="list-style-type: none"> <li>• Help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal</li> </ul>

		<p>as the last option, but one which must be adequately catered for;</p> <ul style="list-style-type: none"> <li>• Provide a Framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities.</li> </ul> <p>Therefore, policy W6A is in conformity with the requirements of PPS 10.</p>
W7E	<p>To facilitate the efficient collection and recovery of materials from the waste stream, in accordance with policy W3A, the WPAs will seek to work with the WDAs/WCAs to facilitate the provision of:</p> <ul style="list-style-type: none"> <li>• Development associated with the source separation of wastes;</li> <li>• Material recovery facilities (MRF's);</li> <li>• Waste recycling centres;</li> <li>• Civic amenity sites;</li> <li>• Bulking-up facilities and waste transfer stations.</li> </ul> <p>Proposals for such development will be supported at the following locations:</p> <ul style="list-style-type: none"> <li>• The waste management locations identified in Schedule 1 (subject to policy W8A);</li> <li>• Other locations (subject to policies W8B and W8C);</li> <li>• In association with other waste management development;</li> <li>• Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).</li> </ul> <p>Provided the development complies with other relevant policies of this plan.</p>	<p>See explanation notes for Policy W3C, W8A and W8B as these are relevant and demonstrate conformity with the Framework and PPS 10.</p>
W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> <li>• There is a need for the facility to</li> </ul>	<p>PPS 10 at Paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management</p>

	<p>manage waste arising in Essex and Southend (subject to policy W3C);</p> <ul style="list-style-type: none"> <li>• The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy;</li> <li>• The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed;</li> <li>• Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable;</li> <li>• Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and</li> <li>• Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained.</li> </ul>	<p>needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> <li>– allocate sites to support the pattern of waste management facilities set out in the RSS</li> </ul> <p>in accordance with the broad locations identified in the RSS; and,</p> <ul style="list-style-type: none"> <li>– allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS.</li> </ul> <p>The WPA has identified strategic sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced strategic waste management facilities. PPS 10 requires that needs for sustainable waste management are met and those identified by the JMWMS supersede those municipal waste management needs identified in the Waste Local Plan. PPS 10 requires that sites and areas suitable for new or enhanced waste management facilities for the waste management needs of the area is assessed. In this respect more weight should be applied to PPS 10 in respect of meeting waste management needs than Policy W8A.</p> <p>See also W8B.</p>
W8B	<p>Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> <li>• Existing general industrial areas;</li> <li>• Areas allocated for general industrial use in an adopted local plan;</li> <li>• Employment areas (existing or allocated) not falling into the above categories, or existing waste management sites, or areas of degraded, contaminated or derelict land where it is shown that the</li> </ul>	<p>Policy W8B is concerned with identifying locations for sites that have not been identified within the Plan as preferred sites of waste related developments. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable development. Additionally, in conformity with Paragraph 17 of the Framework, the policy contributes to the conservation and enhancement of the natural environment. The Framework goes on to state that 'Allocations of land for development should prefer land of lesser</p>

	<p>proposed facility would not be detrimental to the amenity of any nearby residential area.</p> <p>Large-scale waste management development (of the order of 50,000 tonnes per annum capacity or more, combined in the case of an integrated facility) will not be permitted at such non- identified locations unless it is shown that the locations identified in Schedule 1 are less suitable or not available for the particular waste stream(s) which the proposal would serve.</p>	<p>environmental value, where consistent with other policies in this Framework'. Nonetheless, Paragraph 17 of the Framework requires objectively assessed needs to be met and whilst the environmental protection approach W8B is consistent with the Framework/PPS 10, the policy also relies solely on the Schedule 1 sites identified in W8A and is therefore out of date in this respect.</p>
W10A	<p>When granting planning permission for waste management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.</p>	<p>PPS 10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction'.</p> <p>Furthermore, Paragraph 203 of the Framework states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the</p>



		requirements of the Framework and PPS 10.
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in Paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> <li>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</li> </ol>	<p>Policy W10E is in conformity with the Framework in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
W10F	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable</p>

		<p>development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS 10 and conditions.</p>
--	--	--