

<b>Report to:</b> DEVELOPMENT & REGULATION (22 November 2019)	
<b>Proposal:</b> MINERALS AND WASTE DEVELOPMENT Continued operation of the anaerobic digestion plant without compliance with condition 2 (approved details) and 4 (hours of operation) attached to permission ref. ESS/27/18/BTE to allow the installation of ancillary structures/tanks and deliveries to take place on Sundays and Bank/Public Holidays	
<b>Ref:</b> ESS/69/19/BTE	<b>Applicant:</b> Biogen
<b>Location:</b> Halstead Anaerobic Digestion Facility, Land north of Bluebridge Industrial Estate, Halstead, Essex	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Tom Sycamore Tel: 03330 321896 The full application can be viewed at: <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



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## **1. SITE & BACKGROUND**

Halstead Anaerobic Digestion (AD) Facility is located on Bluebridge Industrial Estate, which is to the east of Halstead in Braintree. The site is located to the north of the Estate with access provided from Third Avenue.

The northern and eastern boundaries of the site are well screened by existing vegetation, with open fields further beyond. To the immediate west of the site are two further industrial yards/buildings. The closest residential properties to the site are located to the west and south-west on Colchester Road and Fenn Road some 250m away (as the crow flies).

The site is not located within a 'sensitive area' as defined by the EIA Regulations.

The 1.36ha AD plant forms part of a larger area of land (north of Fifth Avenue) which was first granted (outline) planning permission in 2007 for 'Proposed Industrial Development' (Braintree District Council ref: 07/00681/OUT). The AD plant was constructed following the grant of full planning permission (ref: ESS/25/10/BTE) by Essex County Council as the Waste Planning Authority in March 2011.

With respect of the above, the facility and permission has been subject to a number of amendments/variations since permission was first granted including application ref: ESS/28/13/BTE which sought amendments to the design of the facility and parking areas; application ref: ESS/04/15/BTE which sought amendments to hours of working on eight Saturday occasions and to remove the external cladding of the engine building; and application ref: ESS/27/18/BTE which sought amendments to hours of working by allowing operations to commence at 07:00am Monday to Saturday as well as removing the restrictions on the waste catchment area. To confirm, ESS/27/18/BTE is the current extant permission for the site and is the permission which this application seeks to vary.

## **2. PROPOSAL**

This application seeks to vary two conditions attached to the extant planning permission for the site. The two conditions to which this application relates are condition 2 (approved details) and condition 4 (hours of operation).

As existing, condition 2 details all documents previously approved and this application seeks to amend this to allow approval of revised drawings accommodating a number of ancillary structures. These include:

- i) A primary cylindrical gas scrubber tank measuring 7.5 metres in height and 2.5 metres in diameter, and subsidiary gas scrubber tanks measuring 3.7 metres in height and 1.6 metres in diameter and 2.75 metres in height and 1.25 metres in diameter.
- ii) Two cylindrical Regal tanks, horizontally-mounted and measuring 7.0 metres in length, 3.0 metres in diameter and 3.5 metres in height above ground

level.

For reference, the aforementioned have already been installed on-site and are active in use.

As existing, condition 4 restricts operations, including vehicles entering or leaving the site, to the following times:

- 07:00 to 18:00 hours Monday to Friday;
- 07:00 to 12:00 hours Saturday
- 12:00 to 16:30 hours Saturday following a Bank or Public Holiday (one Saturday per bank or public holiday) for up to a maximum of 15 RCVs/HGVs (30 movements)

And shall not take place at any other time or on Sundays or Bank or Public Holidays (other than permitted above), except for the treatment of waste which may take place on a 24 hour basis.

This application seeks to amend the above condition to allow operations to additionally take place between the hours of 08:00 to 16:00 on Sundays and Bank or Public Holidays for up to a maximum of 11 RCVs/HGVs (22 movements).

To confirm, no other change/amendment to existing permission is proposed as part of this application in terms of the volume of waste throughput, number of vehicle deliveries or type of material accepted.

### **3. POLICIES**

The following policies of the Essex and Southend-on-Sea Waste Local Plan (2017), Braintree District Local Plan Review (2005) and Braintree District Core Strategy (2011) provide the development plan framework for this application. The following policies are of relevance to this application:

#### **ESSEX AND SOUTHEND-ON-SEA WASTE LOCAL PLAN 2017 (WLP)**

Policy 1 - Need for Waste Management Facilities  
Policy 2 - Safeguarding Waste Management Sites & Infrastructure  
Policy 10 - Development Management Criteria  
Policy 12 - Transport and Access

#### **BRAINTREE DISTRICT LOCAL PLAN REVIEW 2005 (BLPR)**

RLP36 – Industrial and Environmental Standards  
RLP54 – Transport Assessments  
RLP62 – Development Likely to Give Rise to Pollution, or the Risk of Pollution  
RLP63 – Air Quality  
RLP75 – Waste Reprocessing Facilities

#### **BRAINTREE DISTRICT CORE STRATEGY 2011 (BCS)**

CS4 – Provision of Employment  
CS8 – Natural Environment and Biodiversity

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

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

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

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

Essex County Council undertook a compatibility exercise in September 2018 to confirm policies within the WLP remain up to date and consistent with the NPPF. The level of consistency of the policies contained within the BLPR and BCS is considered in the appraisal section of this report.

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

On 9 October 2017 Braintree District Council, together with Colchester Borough Council and Tendring District Council, submitted their Local Plans and

accompanying documents to the Planning Inspectorate.

Due to strategic cross-boundary policies and allocations Braintree, Colchester and Tendring's Local Plan share an identical Section 1 and as a result of this Section 1 was considered through a joint examination in public (EiP).

The Session 1 Plan examination began in October 2017 and hearing sessions were held in January and May 2018. After considering all the evidence and representations and the discussion at the hearing sessions the Inspector wrote to Braintree District Council, Colchester Borough Council and Tendring District Council on 8 June 2018 identifying aspects of the Section 1 Plan and its evidence base which were considered to require significant further work.

The three Councils have carried out further work on the evidence base to support the emerging Plan. Public consultation on this work ran from 19 August 2019 until 30 September 2019.

The requirement for this further work on Section 1 has resulted in delays to the examination of Section 2 which deals with site allocations and policies. The emerging Local Plan is a material consideration in the determination of this application; however, the weight which can be given to the policies contained within Section 2 is limited in light of the delay to the EiP.

#### BRAINTREE PUBLICATION DRAFT LOCAL PLAN 2017 (DLP)

LPP3 – Employment Policy Areas

LPP44 – Sustainable Transport

LPP73 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

## **4. CONSULTATIONS**

BRAINTREE DISTRICT COUNCIL – Any comments received will be reported.

ENVIRONMENT AGENCY – No objection.

Variation to Condition 2 – No comments or concerns, providing that the bund continues to maintain the appropriate containment to provide the minimum required secondary containment, as originally designed. The tanks are located lower down in the bund area surrounded by larger tanks. Do not envisage any issues arising from a visual aesthetic perspective.

Variation to Condition 4 – Concerns regarding odour and the impact on sensitive receptors potentially arising from the variation to Condition 4 (hours of operation). The site is currently a poor performing site due to the number of odour reports received. Since 1 October 2018, 89 reports regarding odour have been received. Waste acceptance may be a contributing source of odour. We note that the applicant has outlined a need to 'smooth out' kerbside collections, however, as this is a poor performing site of public interest there is the potential for an increase in odour reports. Through the process of receiving deliveries throughout the week including weekends and Bank Holidays, there is the prospect of greater impact to neighbouring sensitive receptors if they lose the one day break in operation

movements. It is considered the proposal risks increasing the impacts of the development, in particular odour, and recommend you take this in to consideration when determining the application.

NATURAL ENGLAND – No comments to make.

RINGWAY JACOBS (NOISE) – No objection. The Noise Impact Assessment (NIA) considers the increase in noise levels due to the addition of increased HGV movements. It is assumed that no other sources would change their operations due to the importation of waste of these additional days. Would recommend the inclusion of relevant planning conditions to ensure traffic movements do not exceed those modelled and to ensure noise limits and monitoring requirements mirror the extant planning permission. The extended hours should apply to HGV movements only.

PLACE SERVICES (LANDSCAPE) – No objection. Highlight the need to ensure there is a mechanism for monitoring the management of the planting carried out under condition 9 of ESS/27/18/BTE. May be advisable to reimpose a landscape management condition requiring an updated statement. The approved management statement was dated 2013 so is likely to need updating. Site plan refers to tree planting on northern boundary but this appears outside applicant's ownership so may not be feasible.

ESSEX HIGHWAY AUTHORITY – No comments to make.

HALSTEAD TOWN COUNCIL – Object, as unacceptable working hours impacting on nearby residents.

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

## 5. REPRESENTATIONS

153 properties were directly notified of the application. The application was also advertised by way of press advert and site notice. Two letters of representation have been received. These relate to planning issues, summarised as follows:

Observation	Comment
Additional noise pollution.	See appraisal.
Increased volume of traffic on Sundays and Bank Holidays.	See appraisal.
Increased potential for odour pollution.	See appraisal.
Frequently report odour nuisance to the EA. It is still unclear from the information received whether there are any health issues related to the pollution currently freely flowing into the air from the site.	Noted. Appears that information has been requested from the Environment Agency and discussions are ongoing pursuant to pollution and its control under the remits of the environmental permit.
There is currently odour nuisance every single day. Weather dictates who	See appraisal

experiences odour nuisance each day.	
This application could serve as a stepping stone to increase volume of input/production in the future.	This application is to be considered on its own merits. Determination cannot be influenced by any potential future plans.
The site should never have been built where it is.	The principle of an AD facility on this site was established when planning permission was first granted in 2011.

## 6. APPRAISAL

The key issues for consideration are:

- Principle of Development
- Noise impact
- Odour impact
- Highways impact

### PRINCIPLE OF DEVELOPMENT

The principle of an AD facility on this site was established when planning permission was first granted in 2011. The site is located on the Bluebridge Industrial Estate which is allocated as an Area of Search within the Essex WLP. It forms the eastern part of a wider area which has the benefit of outline planning permission (07/00681/OUT) for industrial development within Use Classes B1, B2 and B8. Policy 1 of the WLP relates to the need for additional waste management facilities and identifies a shortfall in capacity of up to 218,000 tonnes per annum by 2031/32 of biological treatment for non-hazardous organic waste (with this site operating at full capacity). Accordingly, the WPA is keen to retain this and other facilities handling this waste stream and facilitate the full utilisation of permitted capacity in context of the identified shortfall and need. The supporting text to Policy 2 of the WLP outlines that all permitted waste development (this site included) are safeguarded through Waste Consultation Areas. Without a safeguarding policy, needed facilities or sites required to achieve a sustainable distribution of waste management facilities could be lost to other development.

In light of the above, no land use objection is raised. The existing footprint of the site would remain. The application seeks to vary condition 2 of extant planning permission ESS/27/18/BTE by accommodating additional tanks to the approved drawings and plans which are already erected onsite. The first of which is a primary cylindrical gas scrubber tank measuring 7.5 metres in height and 2.5 metres in diameter, and subsidiary gas scrubber tanks measuring 3.7 metres in height and 1.6 metres in diameter and 2.75 metres in height and 1.25 metres in diameter.

The purpose of the tanks is to remove siloxane contaminants in the biogas arising from the anaerobic digestion process, enabling gas engines to operate as if fuelled by natural gas. The primary scrubber tank is constructed in a smooth steel with a shallow domed top and is finished in a green coating. The two smaller subsidiary tanks are finished in black. All three tanks have been installed in a central location

within the site and are surrounding by other operating tanks. The tanks are of a shorter height than the post-digestion tank and buffer tank adjacent.

As well as the aforementioned tanks, this application also seeks the addition of two cylindrical 'Regal' tanks, horizontally-mounted and measuring 7.0 meters in length, 3.0 metres in diameter and 3.5 metres in height above ground level. The purpose of these tanks is to temporarily hold treated digestate after pasteurisation and before the digestate goes forward to the holding tanks. The tanks are constructed in a smooth steel with shallow domed ends and are finished in a black coating.

All the above tanks have been built on a concrete impermeable surface within a retaining bank that surrounds all existing tanks within the site, meaning they are all at a lower ground level than the surrounding terrain, thus largely unseen from external views from outside the site. The northern and eastern boundaries of the site are well screened by existing vegetation, with open fields further beyond. In context of the site as an existing anaerobic digestion plant already containing tanks, it is considered that the addition of the above tanks would not significantly alter existing views of the site from outside the site.

As such, the layout is not considered to conflict with Policy CS4 of the BCS or Policy LPP3 of the DLP.

## NOISE IMPACT

Concerns have been raised around the potential for increased noise pollution as a result of this application. As alluded, the nature of the site use/activity is not proposed to change. It is considered that the additional development of the tanks would aid operation of the plant and its functionality. No change is proposed to the overall anaerobic digestion process or site throughput, albeit this application, if approved, would allow operations to be carried out between the hours of 08:00 and 16:00 on Sundays and Bank or Public Holidays. Other than the movement of delivery vehicles, there is no proposed increase or change in noise from the site or fixed plant nor in the volume of food waste throughput at the plant.

Employment and/or industrial areas are designated to allow uses to operate without undue restrictions. Accordingly, hours of operation conditions are usually difficult to impose on the basis that land use-wise the area has been allocated/designated to specifically support such needs. The additional vehicle movements proposed on a Sunday and Bank Holiday would be a maximum of 22. The submitted noise assessment found that the Sunday and Bank Holiday baseline traffic flows on the A1124 (600m west of the access point to the industrial estate) are likely to be approximately 8,976 vehicle movement including 162 HGVs. It is considered that the addition of 22 vehicle movements would not adversely affect the noise environment that currently exists in the area, and any resulting noise impacts to residential properties would be negligible.

Accordingly, the proposal is considered to adhere to WLP Policies 10 and 12, BLPR Policies RLP62, RLP75 and RLP36, BCS Policy CS8 and DLP Policy LPP73.



## ODOUR IMPACT

Concerns have been raised around the potential for increased odour impact as a result of the proposal. The AD process, in itself, has the potential to give rise to odour and air quality issues. However, conditions on the extant planning permission do control the type of waste that enters the site, and odour is further controlled through the site Environmental Permit issued by the Environment Agency. In respect of the proposed tanks, they are fully sealed and support the effective operation of the plant and are thus beneficial from an odour management perspective.

The proposed additional 11 vehicles per day are not considered to give rise to any significant increase in odour pollution or air quality issues considering the scale of the existing operation and the surrounding use of the area as a functioning industrial estate.

The main concern lies in the fact that there would be the prospect of a greater impact to the neighbouring sensitive receptors if they lose the one day break to site operation movements. The Environment Agency have commented that the proposal risks increasing the impacts of the development, in particular odour. The proposed variation to condition 4 seeks to allow some deliveries of food waste to the site on Sundays and Bank Holidays to smooth out the frequency of deliveries and avoid surfeits and shortages of food waste occurring. Without the regular flow of food waste into the site, these surfeits and shortages can affect the plant's odour management performance. The amount of waste to be imported into the site would not change compared to the existing weekly amount authorised. By allowing waste to be imported seven days a week, less material would also be imported Monday to Saturday, which in turn would result in less standing waste in the input hall during these days.

The applicant has suggested that the current Sunday and Bank Holiday closures compel the providers of food waste to retain the waste for longer periods of time over the weekend before it can be delivered. Stockpiled food waste degrades over time which in turn leads to increased odour emissions. Sunday and Bank Holiday opening would enable providers to deliver food waste in a less degraded form and for the waste to be processed without delay, thus contributing towards a reduced propensity for odour on a Monday morning when weekend deliveries would usually arrive.

After verbal communication with the Environment Agency, the site has reportedly had a long-term issue with odour complaints from residential receptors. However, since the applicant took over the site from the former company approximately one year ago, complaints have reduced considerably. Despite this, the facility remains a site of High Public Interest (HPI) due to its history. The Environment Agency are working closely with the applicant and the company recently implemented an Action Plan to assist in reducing odour concerns further. The issue of odour is covered by the Environmental Permit and the Environment Agency are the appropriate authority to control any odour issues. From this it is considered that the interaction between the applicant (operating company) and the Environment Agency should result in odour issues being adequately controlled and mitigated.

against throughout the week, as covered by the Environmental Permit, and therefore additional operation on a Sunday and Bank Holiday should not cause any adverse odour issues.

From a planning/land use perspective, especially as the site is located within a designated industrial area, the proposal is not considered unacceptable. NPPF Paragraph 183 states that *“the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”* In this case the Environment Agency are the appropriate authority to control any odour issues and as such it is considered that, in land-use planning terms, the proposal is not considered unacceptable.

The treatment of waste already takes place on a 24 hour basis at the site as part of the anaerobic digestion process. Currently, when food waste is delivered to the site, a shutter door is opened to admit the vehicle into the main food waste reception hall and closed immediately afterwards. The process is repeated to allow the vehicle to leave the building. The applicant has reinforced the management control of this procedure to ensure rigid compliance and promote odour containment. This process is proposed to continue on Sundays and Bank Holidays. With no change proposed in the number of deliveries per week, the number of times that the shutter doors would need to be opened per week would also remain unchanged. Extending authorised hours for vehicles importing food waste would not alter the operations that already take place onsite and it is considered that, in combination with positive working with the Environment Agency, the level of odour that currently exists at the site would not be increased as a result of this proposal.

Accordingly, it is considered that the proposal would be in accordance with WLP Policy 10, BLPR Policies RLP36, RLP62 and RLP63, BCS Policies CS4 and CS8, and DLP Policy LPP73.

## HIGHWAYS IMPACT

The overall volume of operational traffic throughout the week is not proposed to be changed. That said, vehicle movements would, without prejudice, should planning permission be granted take place on Sundays and Bank Holiday. With regard to this, the submitted noise assessment found that Sunday and Bank Holiday baseline traffic flows on the A1124 (600m west of the access point to the industrial estate) are likely to be approximately 8,976 vehicle movements, of which 162 would be HGVs (1.8%). As a worst case scenario, the proposed extension of delivery hours would generate 22 additional HGV movements during the day assuming that all vehicles would arrive from the same direction. The overall change in road traffic on a Sunday would be an increase of 0.2%, with an increase in HGV percentage from 1.8% to 2.0%. The effect of additional private cars used by staff, and HGVs entering and exiting the site is considered to be insignificant.

The intensity and complexity of this impact is considered limited in context of the size of the facility and its location on an existing Industrial Estate. The Highway Authority has no comments to make on the proposal from a highway and

transportation perspective.

As such, it is considered that the proposal complies with WLP Policies 10 and 12, BLPR Policy RLP54 and DLP Policy LPP44.

## **7. CONCLUSION**

In principle, there is no objection to the variations proposed in this application. The addition of the ancillary tanks is considered to be beneficial to the overall anaerobic digestion process which in turn would result in positive repercussions within the economic and social strands of sustainable development, as defined within the NPPF.

With regard to the proposed variation in operating hours, the WPA are mindful of the need position with regard to management facilities for this waste stream and as a safeguarded site is keen to see this site at optimum capacity. In combination with this, the site lies within the Bluebridge Industrial Estate Area of Search as per Essex WLP Policy 4. Proposals for waste management development in these areas will be supported in principle. Bluebridge Industrial Estate is also an Employment Policy Area within the BLPR and as such, restrictions on operating hours are generally deemed inappropriate.

From an environment and amenity perspective, the WPA does not consider that the variations proposed would give rise to unacceptable impacts that would warrant a refusal. The throughput and operational functioning of the site would remain unchanged. Accordingly, it is recommended that the amendments sought be approved.

## **8. RECOMMENDED**

That planning permission be granted subject to the following conditions:

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

*Reason:* To comply with section 91 of the Town and Country Planning Act 1990 [as amended]. To limit the impact of the site on local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan 2017 Policy 10, Braintree District Local Plan Review 2005 Policies RLP36, RLP62, RLP63 and RLP75 and Braintree District Core Strategy 2011 Policy CS8.

2. The development hereby permitted shall be carried out in accordance with the details of application ESS/25/10/BTE dated 05/07/2010 and supplementary information dated July 2010, as amended by details of application ESS/28/13/BTE dated 05/06/2013, comprising:
  - Application Form dated 5 June 2013
  - Drawing No 13005\_05 Rev P3 dated 29/05/13
  - Drawing No 13005\_06 Rev P3 dated 30/05/13
  - Drawing No 13005\_07 Rev P3 dated 30/05/13

- Drawing No JBA 13/59-TS01 Rev B dated 30/05/13
- Drawing No JBA 13/59-01 Rev B dated 28/05/13
- Drawing No ESM.0000.A3. 0055.DWG Rev A dated 11/05/04
- Drawing No 0009A dated 18/05/2007
- Promap Site Plan 1:2500 A3
- Emails 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 15:10 and 15:49, emails from Matt Clarke dated 07 July 2010, 02 September 2010 09:48 and 15:07, 03 September 2010, Letters from JMJ Planning dated 09 July 2013, 29 July 2013 and 30 July 2013
- Design and Access statement, received 07 July 2010 and updated June 2013
- Planning Statement, received June 2010 and updated June 2013
- Highways Traffic and Transport Statement dated 17 June 2010
- Landscape and Visual Impact Assessment dated February 2010 and updated June 2013
- Measured Works Schedule dated 28 May 2013
- Management Statement dated April 2013
- Aboricultural Implications Assessment dated October 2009
- Flood Risk Assessment dated May 2010
- Phase 1 Habitat Survey dated 04 October 2009
- Reptile Survey dated 05 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

AS AMENDED BY the details of application ref ESS/04/15/BTE:

- Planning Statement dated January 2015
- Planning Statement Appendix B (Ref: 9Y1594/M003/304299/Newc) 'Engine Building Noise Modelling'
- Planning Statement Appendix C (Ref: W&R/2325/Tamar) 'ECC Letter' dated 28 November 2014
- Emails from Tamar Energy dated 27 January 2015
- Drawing No HAL-CLA-DWG-GA-002 'General Arrangement of 2 x Jenbacher 416 Gas Engines & Associated Equipment' dated 20.11.13
- Drawing No HAL-CLA-DWG-GA-001 'General Arrangement of 2 x Jenbacher 416 and Associated Equipment' dated 21.08.13
- Drawing No J9370-GA01 'General Arrangement' dated October 2013
- Site Plan dated 7 July 2015
- Supplemental Information (Ref: 793-BS) dated 7 August 2017

AS AMENDED BY the details of application ref ESS/27/18/BTE:

- Application Form dated 29/08/2018
- Planning Statement dated August 2018

AS AMENDED BY the details of application ref ESS/69/19/BTE:

- Drawing No 1908.01 'Site Plan as Amended for S73', dated September 2019
- Drawing No 1908.02 'Sections as Amended for S73', dated September 2019
- Drawing No 1908.03 'Elevations as Amended for S73', dated September 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex and Southend on Sea Waste Local Plan Policies 1, 2, 10 and 12, Braintree District Local Plan policies RLP36, RLP54, RLP62, RLP63 and RLP75 and Braintree District Core Strategy policies CS4 and CS8.

3. No waste other than those waste materials defined in the application details referred in condition 2 shall enter the site.

Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

4. Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations;
  - 07:00 to 18:00 hours Monday to Friday
  - 07:00 to 12:00 hours Saturday
  - 12:00 to 16:30 hours Saturday following a Bank or Public Holiday (one Saturday per bank or public holiday) for up to a maximum of 15 RCV's/HGV's (30 movements)
  - 08:00 to 16:00 hours on Sundays and Bank or Public Holidays for up to a maximum of 11 RCVs/HGVs (22 movements)

and shall not take place at any other time (other than permitted above), except for the treatment of waste which may take place on a 24 hour basis.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex and Southend on Sea Waste Local Plan Policy 10, Braintree District Local Plan Policies RLP36, RLP62 and RLP75 and Braintree District Core Strategy Policy CS8.

5. The free field Equivalent Continuous Noise Level [LAeq,1 hr] at noise sensitive properties Bluebridge Cottages, Fenn Road, Cherry Tree Close and Westwood as indicated on drawing number ST11361-002 dated 22 February 2010 shall not exceed the following noise limits:

Bluebridge Cottages – 53.5 dB LAeq 1 hr during the daytime and 42 dB LAeq 1 hr during the night time,

Fenn Road – 64 dB LAeq 1 hr during the daytime and 37 dB LAeq 1 hr during the night time,

Cherry Tree Close – 53 dB LAeq 1 hr during the daytime and 42 dB LAeq 1 hr during the night time,

Westwoods – 47 dB LAeq 1hr during the daytime and 42 dB LAeq 1 hr during the night time.

Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interest of amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

6. Noise levels shall be monitored at six monthly intervals from the date of the commencement of development at noise sensitive properties: Bluebridge Cottages, Fenn Road, Cherry Tree Close and Westwoods as indicated on drawing number ST11361-002 dated 22 February 2010. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

7. All plant, equipment and machinery shall only operate during the hours permitted under Condition 4. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times

Reason: In the interests of local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

8. The development hereby permitted shall be implemented in accordance with the External Lighting Strategy approved on (10/12/2013) of planning permission ref (ESS/28/13/BTE). The approved details of the (details

pursuant to condition 8 – lighting) are set out in the application for approval of details reserved by condition received (07/10/2013).

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

9. The development hereby permitted shall be carried out in accordance with Measured works schedule: Detailed soft landscape proposals' Revision B dated 28/05/13, 'Management Statement' Revision A dated April 2013, 'Arboricultural Implications Assessment/Method Statement' dated April 2013, statement entitled 'Planning permission ESS/25/10/BTE: Application to discharge condition 10: Supplementary information' dated 24 April 2013 and drawing numbers JBA 13/59-TS01 Rev B dated 30/05/13 and JBA 13/59-01 Rev B dated 28/05/13. The scheme shall be implemented within the first available planting season (October to March inclusive) or the first available planting season (spring and autumn) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 10 of this permission. Any amendments to the schemes approved under this condition shall only be implemented following submission to and approval in writing from the Waste Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended) to improve the appearance of the site in the interest of visual amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Core Strategy Policy CS8.

10. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 9 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Core Strategy Policy CS8.

11. The development hereby permitted shall be implemented in accordance with the Site Access Road approved on (12/11/2013) of planning permission ref (ESS/28/13/BTE). The approved details of the (details pursuant to condition 11 – Site Access Road) are set out in the application for approval of details reserved by condition received (07/10/2013).

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 12 and Braintree District Local Plan Policy RLP36.

12. All vehicular access and egress to and from the site shall be from Third Avenue, as indicated on application drawing 'Promap Site Plan 1:2500 @ A3'. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 12 and Braintree District Local Plan Policy RLP36.

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

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

14. The parking areas indicated on plan 13005 05 Rev P3 dated 29/05/2019 shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP56.

15. The details of turning space, to allow Heavy Goods Vehicle to enter and leave the site in a forward gear, shall be carried out in accordance with application form dated 19 April 2013 and covering letter dated 19 April 2013 and drawing numbers 13001/T10 dated 16/04/13 and 13005\_05 Rev P3 dated 29/05/13 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP75.

16. No unbound material shall be used in the surface finish of the site access road within 15 metres of its junction with the public highway.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and Policy 12 and Braintree District Local Plan Policy RLP36.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 [or any Order amending, replacing or re-enacting that Order], no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 10 metres from the nearside edge of the carriageway.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy



10 and Braintree District Local Plan Policy RLP75.

18. The development hereby permitted shall be carried out in accordance with the details of means to prevent the discharge of surface water from the development onto the public highway as set out in the application form dated 19 April 2013 and covering letter dated 19 April 2013 and the letter from G H Bullard Associates dated 11 April 2013 as supported by the Flood Risk Assessment dated May 2010 (ref 122/2009 GLENDALE FRA), and as shown on drawing number 122/2009/11 Rev E dated 24/09/12 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: In the interest of highway safety and safeguarding local amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10 and 12 and Braintree District Local Plan Policy RLP75.

19. The development hereby permitted shall be carried out in accordance with the details of external construction materials, finishes and colours as set out in the application form dated 19th January 2015, Supplemental Planning Information (Ref: 793-BS) dated 7 August 2017, Drawing No J9370-GA01 'General Arrangement' dated October 2013, Drawing No HAL-CLA-DWG-GA-002 'General Arrangement of 2 x Jenbacher 416 Gas Engines & Associated Equipment' dated 20.11.13, Planning Statement dated January 2015, and Drawing No HAL-CLA-DWG-GA-001 'General Arrangement of 2 x Jenbacher 416 and Associated Equipment' dated 21.08.13.

Reason: For the avoidance of doubt, in the interests of visual/landscape amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10, Braintree District Local Plan Policies RLP36 and RLP90 and Braintree District Council Core Strategy Policy CS7.

20. No more than 45,000 pa of waste shall enter the site. Records of the tonnages of material entering the site shall be kept by the operator and made available to the Waste Planning Authority within 7 days of a written request.

Reason: In the interest of protecting local amenity and highway safety and for compliance with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

21. The development hereby permitted shall be carried out in accordance with the details of the lowering of the ground level surrounding the digestion tanks as set out in the application form dated 19 April 2013 and covering letters dated 19 April 2013 and 24 April 2013 and drawing numbers 13005\_04 dated March 2013 and 13005\_5 Rev P3 dated 29/05/13 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: To limit the impacts on local visual amenity and to comply with Essex and Southend on Sea Waste Local Plan Policy 10, Braintree District Local Plan Policies RLP36 and RLP90 and Braintree District Council Core Strategy Policy CS7.

22. The development hereby permitted shall be carried out in accordance with details of wheel washing facilities, turning and parking facilities for delivery and construction. Vehicles and employee parking as set out in the application form dated 19 April 2013 and covering letters dated 19 April 2013 and 24 April 2013, together with your statement entitled 'Planning permission ESS/25/10/BTE: Application to discharge condition 24: Supplementary information' dated 24 April 2013 and drawing number 13005\_08 Rev P1 dated 25/04/13 as approved under planning permission ESS/25/10/BTE on 12/06/13.

Reason: To prevent the deposition of debris and the parking of vehicles associated with the construction of the development on the public highway in the interests of highway safety and for compliance with Essex and Southend on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policy RLP36.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

## **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Halstead