

## Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 23 June 2023 at 10:30.

Present:

Cllr Carlo Guglielmi (Chairman)	Cllr Dave Harris (via Zoom)
Cllr Barry Aspinell (not present for the entirety of item 4.2, and did not vote on the item as a result)	Cllr Luke Mackenzie
Cllr Lynette Bowers-Flint	Cllr Mike Steel
Cllr Michael Hardware	Cllr Paul Thorogood

### 1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr Mark Stephenson, for whom Cllr Chris Pond substituted, from Cllr Mike Steptoe, for whom Cllr Ian Grundy substituted, from Cllr Mike Garnett and from Cllr John Jowers. Cllr Dave Harris joined via Zoom.

Cllr Luke Mackenzie declared an interest in item 4.1 of the agenda (Minute 2) concerning the Land at Archers Field, Pitsea, Basildon as he had previously campaigned against the site. Cllr Mackenzie considered that as he had previously expressed a view on the proposition, he would withdraw from Committee Room 1 during the debate and not vote on this item.

Cllr Paul Thorogood declared an interest in item 4.1 of the agenda (Minute 2) concerning the Land at Archers Field, Pitsea, Basildon as he had previously campaigned against the site. Cllr Thorogood considered that as he had previously expressed a view on the proposition, he would withdraw from Committee Room 1 during the debate and not vote on this item.

### 2. Minutes

The recommendation for item 5.3 of the 26 May 2023 agenda which considered Oyster Haven Business Park, Haven Road, Colchester, contained a numbering error within the proposed conditions. There were no substantial changes made to the conditions. With the numbering rectified, the minutes of the meeting held on 26 May 2023 were agreed as a correct record and signed by the Chairman.

### 3. Identification of Items Involved in Public Speaking

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

- 1) Land at Archers Fields, Pitsea, Basildon  
To consider report DR/19/23 relating to the regularisation, redevelopment and consolidation of an existing Materials Recycling Facility (MRF)

**Location:** Land at Archers Field, Pitsea, Basildon, Essex, SS13 1DH

**Ref:** ESS/113/22/BAS

Public speakers:

- Applicant: Mr Kevin Parr – speaking for
  - Local Member: Cllr Aiden McGurran
- 2) Ashlyns Farm, Epping Road, North Weald  
To consider report DR/20/23 relating to the continued operation of composting facility without compliance with condition 8 (stockpile heights) attached to permission ref ESS/09/20/EPF to allow windrow heights to be constructed to a maximum height of 4 metres.

**Location:** Ashlyns Farm, Epping Road, North Weald, Epping, CM16 6RZ

**Ref:** ESS/04/23/EPF

Public speakers:

- On behalf of local residents: Mr Jim Padfield – speaking against
  - On behalf of the applicant: Mr Kennedy Durrant – speaking for
- 3) Great Bentley Primary School, Plough Road, Great Bentley  
To consider report DR/21/23 relating to the extension of existing Primary School (1 form entry expansion) comprising the erection of a new 2 storey teaching block with associated play area, landscaping, car and cycle parking, and alterations to existing school including erection of new canopy and other remodelling works.

**Location:** Great Bentley Primary School, Plough Road, Great Bentley, Essex CO7 8LD

**Ref:** CC/TEN/19/23

Public speakers:

- Headteacher: Mrs Tracey Caffull – speaking for

#### **4. Land at Archers Field, Pitsea, Basildon**

The Committee considered report DR/19/23 by the Chief Planning Officer.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the location for the development
- Need
- Climate Change
- Noise
- Air Quality/Dust

- Landscape/Visual
- Traffic
- Ecology
- Topic areas covered by the supporting Environmental Impact Statement.
- Contributions sought by Basildon Borough Council.

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

- This application would enclose an existing waste management activity with a purpose-built modern facility which would provide significant environmental benefits in terms of odour control, dust, and general site operations.
- All waste activities proposed would be contained within the building. There would also be significant associated security, landscape boundary and lighting improvements.
- Solar facilities would be provided on the site which would deliver capacity for the charging of electric vehicles, as well as contribute to the charging of the electric crane.
- All necessary and appropriate technical environmental assessments were carried out as part of the planning application, a full Environmental Impact Assessment was provided, and all consultation responses were robustly considered.

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

- There was no way to enforce proposed Condition 14 concerning mud and dirt being carried on to the public highway by vehicles using the site. In comparison, Basildon Borough Council's recommendation specified that it would be the responsibility of the applicant to ensure that the roadways were clear.
- The recommendation did not include provision for funding of improved active travel, which should be reconsidered.
- Proposed Condition 19 concerning odour management stated that monitoring would commence at monthly intervals for the first six months, then be carried out at six monthly intervals. Six monthly intervals may be too infrequent and three-monthly intervals would be more suitable.
- Proposed Condition 22 stated that if the Waste Planning Authority were to receive 'substantiated' noise complaints arising from the site, then the requirement for undertaking noise monitoring during the operational periods of the site would be reviewed. Cllr McGurran noted that residents often did not know who to complain to, and at what point the complaints became substantial.
- Cllr McGurran queried whether residents would be consulted regarding the colours used for the proposed cladding, and if they would be made aware of the timings of changes happening to the site.
- Residents and businesses situated within 0.15 miles of the site had been consulted on the application, however, many other residents living outside this boundary were affected and had not been consulted.

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

- The consultation area for the site was outlined in adopted policies.
- The requirement for a Sustainable Transport contribution was not felt, in this instance, to be supportable. Highways had stated in their consultation response that they had no objection and did not request additional funding.
- Once the Odour Management Plan was received, the Council and Environmental Health would consider if it was an appropriate monitoring programme. If there were substantiated responses from residents regarding odour, then this monitoring programme could be reconsidered. Any complaints concerning the site would need to be substantiated to ensure that odours were originating from this particular site.
- A colour scheme for the building had been recommended within the report. A condition was also proposed to provide for a graduated colour cladding for the southern side wall of the building. It was noted that the building would mostly be concealed by trees and that the graduated colour cladding would assist with visual mitigation.
- Complaints could be directed both to the Local Environmental Health Officer as well as to the Waste Planning Authority as there was liaison between the parties concerning such sites.
- The industrial estate was used by multiple operators and the roads within the estate were adopted highways. Enclosing the waste operations indoors would improve and minimise the carrying of dust and debris.

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

- The Essex Climate Action Commission had not been consulted as there was no particular requirement to do so and they were not a statutory consultee. Climate change considerations were accommodated within minerals and waste policies.
- There was no proposed condition restricting the applicant to the processing of Essex waste exclusively. The Waste Local Plan acknowledged that wastes were handled from within the greater Essex area including some from the London area. Operators did not transport wastes unnecessarily and in this particular instance if the wastes were being handled appropriately within what was already an existing waste management facility there was no need for a restrictive condition.
- In response to Members' comments about the necessity for ecological conditions given the nature of the location, it was noted that Place Services had requested conditions addressing ecological enhancement. The Planning Officer suggested that such enhancements could be of the nature of bird box provision, as well as looking to assist with the maintenance of the nearby Nevedon Brook, although it was recognised that the brook was outside the site boundary and had other third party interests.

There being no further points raised, the resolution, was proposed by Cllr Lynette Bowers-Flint and seconded by Cllr Michael Hardware. Following a unanimous vote in favour, it was

**Resolved**

That planning permission be granted subject to the following conditions:

That,

A. The prior completion of an appropriate planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) or an appropriate unilateral undertaking to provide for:

(i) An Employment and Skills plan – plus a contribution to deliver the commitments as set out within the employment and skills plan (payable to Basildon Council). The Plan shall be informed by “The Essex County Council Developers’ Guide to Infrastructure Contributions Revised 2020”.

The plan shall include but not be limited to:

- a) Operator supporting and practical examples of employment and skill advancement.
- b) The signposting to/support with Local Economic Development Office.
- c) A programme of skill/apprentice management developed and maintained throughout the life of the development.

B. Following completion of the planning obligations referred to in (A) above that planning permission be granted for planning application ESS/113/22/BAS be granted subject to the following conditions:

1. Except as may be modified or required by the other conditions to this permission by the Waste Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details submitted by way of the Planning Application (ESS/113/22/BAS) comprising:

- i. Application form from Clearaway Recycling Limited dated 18/11/22.
- ii. Enzygo Planning Statement entitled “Planning Statement Clearaway Materials Recycling Facility” Ref No: CRM.0123.004.PL.R.001 dated November 2022 and accompanying Appendices/Drawings comprising:
- iii. Appendix 8 Landscape and Visual Impact Assessment ref no: CRM.0123.004.LA.R.001.01 dated November 2022.
- iv. Appendix 9 report entitled “NPPF: Detailed Drainage Strategy and Flood Risk
- v. Statement” Ref no: CRM.0123.004.HY.R.002.B dated November 2022.
- vi. Appendix 10 report entitled “Phase I Preliminary Risk Assessment” ref no: CRM.0123.004.GE.R.001.B Revision B Dated: October 2022.
- vii. Drwg Nos:
  - a) CAL MA24 ZZ XX DR A 0071 Rev 8 entitled “Existing and Proposed 3D Views” dated 15/11/22.
  - b) CAL MA24 ZZ XX DR A 020 Rev 8 entitled “Red Line Plan” dated 08/11/22.

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- c) CAL MA24 ZZ XX DR A 0022 Rev 6 entitled "Existing Site Plan" dated 03/11/22.
  - d) CAL MA24 ZZ XX DR A 0023 Rev 4 entitled "Existing Site East and West Elevations" dated 03/11/22.
  - e) CAL MA24 ZZ XX DR A 0024 Rev 4 entitled "Existing Site South Elevations" dated 03/11/22.
  - f) CAL MA24 ZZ XX DR A 0025 Rev 4 entitled "Existing Site North Elevations" dated 03/11/22.
  - g) CAL MA24 ZZ XX DR A 0026 Rev 13 entitled "Proposed Site Plan" dated 15/11/22.
  - h) CAL MA24 ZZ XX DR A 0029 Rev 11 entitled "Proposed Site Elevations for Reception Building – South, East and West" dated 15/11/22.
  - i) CAL MA24 ZZ XX DR A 0030 Rev 6 entitled "Proposed Site Elevation for Reception Building – North and Section" dated 15/11/22.
  - j) CAL MA24 ZZ XX DR A 0031 Rev 4 entitled "Existing Building Elevation at former Clearaway Sites 3, 4 & 5" dated 03/11/22.
  - k) CAL MA24 ZZ XX DR A 0032 Rev 7 entitled "Proposed Elevations of Reception Building" dated 15/11/22.
  - l) CAL MA24 ZZ XX DR A 0033 Rev 6 entitled "Proposed Building Elevations of former Mansards Site" dated 15/11/22.
  - m) CAL MA24 ZZ XX DR A 0034 Rev 2 entitled "Existing Building Elevations for former Mansards and Sykes Yard" dated 03/11/22.
  - n) CAL MA24 ZZ XX DR A 0035 Rev 2 entitled "Existing Elevation Locations" dated 03/11/22.
  - o) CAL MA24 ZZ XX DR A 0036 Rev 3 entitled "Proposed Elevation Locations" dated 15/11/22.
  - p) CAL MA24 ZZ XX DR A 0037 Rev 3 entitled "Existing Boundary Treatment Plan" dated 11/11/22.
  - q) CAL MA24 ZZ XX DR A 0038 Rev 4 entitled "Proposed Boundary Treatment Plan" dated 15/11/22.
  - r) CAL MA24 ZZ XX DR A 0042 Rev 1 entitled "Existing External Lighting Plan" dated 03/11/22.
  - s) CAL MA24 ZZ XX DR A 0043 Rev 2 entitled "Proposed External Lighting Plan" dated 15/11/22.
  - t) CAL MA24 ZZ XX DR A 0044 Rev 1 entitled "Levels Survey" dated 31/10/22.

- u) CAL MA24 ZZ XX DR A 0051 Rev 4 entitled "Site Location Plan" dated 03/11/22.
- v) CAL MA24 ZZ XX DR A 0061 Rev 10 entitled "Vehicle Tracking" dated 15/11/22.

As amended by the Email from Sharon Queeney to Terry Burns dated 20<sup>th</sup> March 2023 @ 10:33 and accompanying:

- i. Enzygo post submission response ref no: CRM.0123.004 dated 17<sup>th</sup> March 2023.
- ii. Enzygo "Response to issues raised during Essex CC consultation" undated.
- iii. PagerPower Urban and Renewables "Solar Photovoltaic Glint and Glare Study" dated March 2023.
- iv. Drwg No: ENZ.XX.OO.DR.L.00.008 entitled "Fig 8 – Viewpoint 2 including Wireline photomontages" dated 14/03/23.
- v. Drwg No: ENZ.XX.OO.DR.L.00.006 entitled "Fig 6 – Viewpoint 1" dated 24/10/22.
- vi. Drwg No: ENZ.XX.OO.DR.L.00.007 entitled "Fig 7 – Viewpoint 2" dated 24/10/22.
- vii. Drwg No: ENZ.XX.OO.DR.L.00.009 entitled "Fig 9 – Viewpoint 3" dated 24/10/22.
- viii. Drwg No: ENZ.XX.OO.DR.L.00.010 entitled "Fig 10 – Viewpoint 4" dated 24/10/22.
- ix. Drwg No: ENZ.XX.OO.DR.L.00.011 entitled "Fig 11 – Viewpoint 5" dated 24/10/22.
- x. Section/Aerial shot entitled "Existing 3D long section (1:1500 @ A3)" and "Aerial view of Environment Agency Lidar Survey showing location of section" undated.
- xi. Section/Aerial shot entitled "Proposed 3D long section (1:1500 @ A3)" and "Aerial view of Environment Agency Lidar Survey showing location of section" undated.

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 minimum harm to the environment and having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

#### Availability of Plans

2. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards working methods and restoration commitments having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and to the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP)

3. No site preparation works shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) have been submitted to and been approved in writing by the Waste Planning Authority. The approved Plans shall be adhered to throughout the construction period. The Plans shall provide for:
  - i. Construction traffic management within and including their routes to the site and numbers, the schemes can be based on the Chapter 9 "Transport" Page 14 para 9.7.1 and Page 18 para 9.8.1 of the supporting Environmental Statement to the application;
  - ii. The parking of vehicles of site operatives and visitors;
  - iii. Details of access to the site;
  - iv. Loading and unloading and the storage of plant and materials used in constructing the development;
  - v. The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
  - vi. Wheel washing facilities;
  - vii. Measures to control dirt escaping the site during construction;
  - viii. Measures to address noise to include but not limited to those areas identified in application supporting documents Chapter 8 "Noise" including but not inclusively paragraphs 8.6; 8.83- 8.84.
  - viii. Drainage strategy as referenced in application supporting documents Vol2 Appendix 10.1 "Drainage" page 19.
  - ix. Lighting requirements which shall include
    - a) Lighting point location.
    - b) Lighting design details including:
      - (i) height,
      - (ii) tilt,
      - (iii) lighting controls,
      - (iv) lighting design,
      - (iv) illuminance levels,
      - (v) uniformities,
      - (vi) spill light contour lines on to an Ordnance Survey mapping base.
    - c) Assessment of sky glow and light spillage outside of site boundary.



- d) Hours of use including consideration given to switching off or dimming after hours.
- x. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- xi. Addressing those points set out in Section 6 “Conclusions and Recommendations” of the supporting Appendix 10 “Phase 1 preliminary Risk Assessment”; and
- xii. Details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer’s representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards managing the construction phase of the development having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Dust Management - Construction Phase

4. No site preparation works as defined in Condition 2 of this permission shall take place until a Dust Management Plan - Construction Phase has been submitted to and received the written approval of the Waste Planning Authority. The scheme can be based on the mitigation measures set out in page 12 of Appendix 7.3 Construction Phase Dust Risk Assessment set out in the supporting Planning Statement. The scheme shall be implemented as approved and shall make provision for, but not exclusively confined to, the list of mitigation measures.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards managing the construction phase of the development having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Construction Environmental Management Plan For Biodiversity

5. No ground disturbance including any clearance of above ground features and soil stripping or the bringing onto the land of any plant, machinery infrastructure associated with the application proposals until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and been approved in writing by the Waste Planning Authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and under Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

Prior To Beneficial Use: Biodiversity Enhancement Strategy

6. No ground disturbance including any clearance of above ground features and/or the bringing onto the land of any plant, machinery infrastructure associated with the application proposals until a Biodiversity Enhancement Strategy has been submitted to and been approved in writing by the Waste Planning Authority. The Biodiversity Enhancement Strategy shall address protected and Priority species and be prepared by a suitably qualified ecologist. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
  - d) persons responsible for implementing the enhancement measures; and
  - e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Waste Planning Authority to discharge its duties under the National Planning Policy Framework 2021 and under Section 40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

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### Cycle Parking Facilities

7. Cycle parking facilities as shown on submitted drawings are to be provided and shall be secure, convenient, covered and retained at all times and maintained to their designed purpose.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards cycle parking having regard to the Essex Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017).

Provision of dedicated on-site parking including electric charging points

8. Electric charging points as provided for in Paragraph 3.8.1 of the supporting Planning Statement shall be provided and maintained to their designed purpose during the life of the development.

Reason: In the interests of clarity and to inform both site operators and visiting persons of the site operational responsibilities towards provision and use of electrical charging provision having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations does not allow unacceptable adverse impacts on the environment.

### Waste Throughput

9. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 225,250 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

Reason: In order that the Waste Planning Authority can monitor the output of the site having regard to the interests of rural amenity, highway safety and against which the application was formally consulted having regard to The Essex and Southend Waste Local Plan (adopted July 2017) Policy 10 and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

### Waste Importation

10. No waste other than those waste materials defined in the application details shall enter the site.

Reason: In the interests of clarity, to ensure compliance with the approved details having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Environmental Protection  
Hours of Operation – Construction Period

11.

- a) No operations authorised or required by this permission shall be carried out on the site except between the following times: -

0700 – 1900 hours Monday to Friday.

0700 – 1400 hours Saturday.

There shall be no working on Sundays or Bank/National Holidays.

For clarity this condition shall not apply in cases of emergency when life, limb or property is in danger. The Waste Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Hours of Operation – Post Commissioning

- b) No operations authorised or required by this permission shall be carried out on the site except between the following times: -

0700 – 1900 hours Monday to Friday.

0700 – 1400 hours Saturday.

There shall be no working on Sundays or Bank/National Holidays.

For clarity this condition shall not apply in cases of emergency when life, limb or property is in danger. The Waste Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: For clarity and to control the operating hours against which the application was determined and in the interests of limiting the effects on local amenity as although the site is in an industrial/commercial area operating outside of these hours during the night/early morning periods has the potential to generate complaints from traffic movements in the vicinity because of disturbance to sleep and rest, having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017); Basildon District Local Plan Saved Policies (2007) BAS E7 and E10 and the National Planning Policy Framework and its recognition that planning decisions ensure that development does not allow unacceptable adverse impacts on the environment.

Highway – Access design

12. Prior to occupation of the development vehicular turning facilities as shown in principle on drawing number CAL-MA24-ZZ-XX-DR-A-0061 S4 REV10 shall be provided and maintained free from obstruction within the site at all times. Each vehicular parking space shall have minimum dimensions of 2.5m x 5.5m in accordance with the current parking standards and as shown on drawing number CAL-MA24-ZZ-XX-DR-A-0026 S4 REV13.

Reason: In the interest of highway safety and safeguarding the local environment having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017).

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#### Highway Safety

13. All ingress to and egress from the site by vehicles associated with the development hereby approved shall be via the access circulation routes identified in the supporting Planning Statement page 26 Section 3.7.

Reason: In the interest of highway safety and safeguarding the local environment having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017).

#### Road Cleanliness

14. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

Reason: In the interest of highway safety; safeguarding the local environment and amenity of the area having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### HGV Movement Recording

15. A written record shall be maintained at the site office of:
- (i) all movements in/out of the site by waste delivery vehicles, such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall state which access point used;
  - (ii) the nature and quantity of imported/exported material

Such records shall be made available for inspection by the Waste Planning Authority on demand at any time.

Reason: To ensure confirmation and monitoring of the stated tonnages to be handled through the facility made in the planning application and against which the application was determined; to minimise the harm to amenity and to comply with Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Sheeting of vehicles

16. No loaded vehicles (HGVs) shall leave the site unsheeted.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring

that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Design of Site Gates

17. Any gates provided for vehicular access onto the highway shall be inward opening only.

Reason: In the interest of highway safety and safeguarding the local environment having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017).

#### Litter fencing

18. No site preparation works shall commence, including any works of demolition, until a scheme for litter netting provision, management and maintenance has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved and maintained during the life of the development.

Reason: To confirm those details as provided for within the application details and against which the acceptability of the development was determined and to protect the amenity of neighbouring occupiers from unnecessary odour having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Odour Management Plan

19. No site preparation works shall commence, including any works of demolition, until an Odour Management Plan detailing operational and control measures, including odour monitoring, relating to odour from any part of the facility not subject (or to be subject) to control under Part I of the Environment Protection Act 1990 has been submitted to and received the written approval of the Waste Planning Authority. The schemes can be based on the Odour Management considerations set out in Chapter 7 and Appendix 7.4 (Dust and Odour Assessment) of the supporting Environmental Statement to the application and shall be implemented as approved and shall make provision for:-

##### a) Management

- i) A summary of the site, waste water treatment works/composting facility, odour sources and the locations of receptors.
- ii) Details of the site management responsibilities and procedures for reporting faults, identifying maintenance needs, replenishing consumables, complaints procedures.
- iii) A procedure for notifying the Waste Planning Authority of any changes or new processes

- iv) Odour-critical plant operation and management procedures (e.g., Correct use of plant, process, materials; checks on plant performance, maintenance and inspection).
- v) Spillage management procedures
- vi) Record keeping – format, responsibility for completion and location of records
- vii) Emergency breakdown and incident response planning including responsibilities and mechanisms for liaison with the local authority.
- viii) A log of complaints from the public and a record of the measures taken to be submitted to the Waste Planning Authority on request.

b) Monitoring

- i) Identification of sensitive receptors
- ii) The monitoring of odour at the boundary fence/perimeter line stating the chemical to be monitored, type of monitoring equipment/method to be used and the standard to be monitored against.
- iii) A programme of implementation. Monitoring to commence at monthly intervals two months prior to commissioning to obtain ambient levels.
- iv) Monitoring should be carried out monthly within the first 6 months (the commissioning period) and then at 6 monthly intervals.
- v) Results of the monitoring required in (iv) above to be submitted to the Waste Planning Authority within 14 days of the monitoring being undertaken.
- vi) For composting facilities, monitoring to be carried out when windrows are turned or shortly afterwards.

Reason: To confirm those details as provided for within the application details and against which the acceptability of the development was determined and to protect the amenity of neighbouring occupiers from unnecessary odour having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Contaminated Land

20. No ground disturbance including any clearance of above ground features and/or the bringing onto the land of any plant, machinery or infrastructure associated with the application proposals until a Remediation Method Strategy to address potential ground contamination issues has been submitted to and been approved in writing by the Waste Planning Authority.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising within the site on both occupiers and surrounding occupiers of land as a result of their activities having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of environmental arisings.

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21. No ground disturbance including any clearance of above ground features shall take place until written certified verification has been received by the Waste Planning Authority that any potential ground contamination issues, as identified in the supporting planning application documentation and the comments raised by the Basildon Borough Council Environmental Health Officer in the planning application consultation response of 21<sup>st</sup> February 2023 has been addressed/removed from site and no danger remains for redevelopment of the land.

Reason: In the interests of clarity, to ensure that the applicant has addressed potential ground contamination aspects having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of environmental arisings.

Noise – General operating levels

22. Noise generation from the development site shall not exceed the free field Equivalent Continuous Noise Level (LA90 + 5 dB) at noise sensitive properties adjoining the site.

The measurements shall be taken at a height above ground level of between 1.2 and 1.5 metres and at least 3.5 metres from any reflecting structure

For clarity if the Waste Planning Authority receive substantiated noise complaints arising from when the site is operational then the requirement for undertaking noise monitoring during the operational periods of the site will be reviewed.

Reason: In the interests of local amenity and to comply with Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and having regard to the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

Reversing alarms/Audible Warning Devices

23. All audible warning devices fitted to mobile plant, vehicles and plant engaged in site activities and transport on and off site and in control of the applicant shall be white noise emitting alarms.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

24. Audible warning device fitted to fixed plant and equipment shall be of a design that does not cause unreasonable noise intrusion to residential property.



Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

25. Except in an emergency, all mobile and fixed plant, equipment, machinery and vehicles shall only operate on the site during the permitted hours and shall always be fitted with and use effective silencers in accordance with manufacturers' recommendations.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Loudspeakers

26. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Waste Planning Authority.

Reason: In the interests of clarity, to protect the amenity of neighbouring occupiers having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of noise emissions.

#### Rubbish

27. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed management facility.

Reason: To clarify those details approved, in the interests of minimising the impact on the amenities of the local area having regard to National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Burning

28. No waste or other materials/rubbish shall be burnt on the site.

Reason: To protect the amenity of neighbouring occupiers having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that

permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Lighting - Post Commissioning

29. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site based on the Lighting Design section of the Landscape and Visual Impact Assessment pages 86 -87 and Drwg No: CAL-MA24-ZZ-XX-DR-A-0043 Rev 2 entitled "Proposed External Lighting Plan" dated 15/11/22 has been submitted to, and received the written approval of, the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:
- a) Lighting point location.
  - b) Lighting design details including:
    - (i) height,
    - (ii) tilt,
    - (iii) lighting controls,
    - (iv) lighting design,
    - (iv) illuminance levels,
    - (v) uniformities,
    - (vi) spill light contour lines on to an Ordnance Survey mapping base.
  - c) Assessment of sky glow and light spillage outside of site boundary.
  - d) Hours of use including consideration given to switching off or dimming after hours.

Reason: To minimise the potential nuisance and disturbance of light spill to adjoining land occupiers and the rural environment having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Signage

30. There shall be no signage/advertising provided on or against the southern aspect of the waste management reception facility structure.

For clarity any signage over and above what has been provided from within the application documents will require the express approval of the local planning authority.

Reason: To maintain control over the development and to minimise the potential for visual and landscape intrusion as a result of the built developments mass and scale to sensitive vantage points outside the application footprint having regard to Policy 10 and the National Planning

Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable impacts on the environment.

#### Colour cladding

31. No above ground construction of the Waste Management Facility shall take place until a scheme to address the colour cladding/finishing of the facility has received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved and maintained for the life of the development. The scheme shall make provision for:

- (i) Provision for graduated colour cladding on all/southern walls.
- (ii) Colour scheme reference number.

Reason: To maintain control over the development and to minimise the potential for visual and landscape intrusion through the built developments mass and scale having regard to Policy 10 and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Air Quality

##### Dust

32. No site preparation works shall commence, including any works of demolition, shall take place until a scheme for dust monitoring/control/mitigation detailing both the construction and operational phases of the development have been submitted to and received the written approval of the Waste Planning Authority. The schemes can be based on the Dust Management considerations set out in Chapter 7 and Appendix 7.4 (Dust and Odour Assessment) of the supporting Environmental Statement to the application and shall be implemented as approved and shall make provision for:-

- a) A dust control plan.
- b) A dust monitoring plan to include:
  - i) The location(s) of dust monitoring points.
  - ii) The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.
  - iii) A programme of monitoring to commence prior to site preparation works as defined in Condition 2 of this permission to provide a baseline against which to compare future monitoring.
  - iv) A programme of implementation to include frequency of monitoring and locations during the various extraction phases and processing plant activities.
  - v) A log of complaints from the public and a record of the measures taken to be kept and submitted to the Waste Planning Authority on request.
  - vi) The results of dust monitoring over each monitoring period shall be submitted to the Waste Planning Authority within 21 days of the end of each monitoring period.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on neighbouring sensitive receptors and the wider environment as a result of their activities having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework that seeks to ensure that suitable control is in place in respect of emissions.

#### Waste Handling

33. No handling, processing or storage of waste shall take place outside of the permitted recycling reception facility building, as indicated on drawing ref CAL MA24 ZZ XX DR A 0026 Rev 13 entitled "Proposed Site Plan" dated 15/11/22.

Reason: To clarify those details approved, to maintain control over the development and to ensure that waste handling is confined to the approved areas having regard to Policy 10 of The Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Surface Water Drainage and Pollution Protection

34. No site preparation works shall commence, including any works of demolition, until a detailed surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Waste Planning Authority. The scheme shall make provision for but not be limited to:
- (i) Limiting discharge rates to 13.63l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
  - (ii) Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - (iii) Final modelling and calculations for all areas of the drainage system.
  - (iv) Detailed engineering drawings of each component of the drainage scheme.
  - (v) A final drainage plan which details where appropriate exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
  - (vi) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: To ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance outside of the site as a result of their activities; to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of Sustainable Urban Drainage features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment and that failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site; having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

#### Surface Water Drainage Scheme Management

35. No site preparation works shall commence, including any works of demolition, until a Maintenance Plan covering the development site life has been submitted to and been approved in writing by the Waste Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Waste Planning Authority. The scheme shall make provision for but not be limited to:
- a) Clarifying a named contact/maintenance company for who is responsible for such elements of the Surface Water Drainage Scheme for the land.
  - b) Funding arrangements during life of the development permitted by this permission.
  - c) Maintenance programme including keeping of yearly records and their availability for inspection on request.
  - d) Maintenance frequency.
  - e) Provision for the applicant or any successor in title to maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

Reason: To provide against installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to ensure that Sustainable Urban Drainage provision is maintained for the lifetime of the development and continue to function as intended to ensure mitigation against flood risk having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

36. No site preparation works shall commence, including any works of demolition, until written confirmation has been received by the Waste Planning Authority that the existing pipes within the extent of the site, which will be used to

convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason: To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted operations do not give rise to unacceptable environmental impacts on the environment.

37. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored so as to prevent such materials contaminating ground or reaching any watercourse.

Reason: To prevent contamination of the ground/soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

38. Any fixed or free-standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage. If there are multiple tankages, the enclosure shall have a capacity not less than 110% of the largest tank. All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and there shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 as amended covering liquid storage containers).

Reason: To prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

39. All foul drainage shall be contained within a sealed and watertight sealed drainage system fitted with a level warning device constructed to BS standards.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

40. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved unless already provided for in the approved working scheme.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

41. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems nor onto the highway system except as may be permitted under other legislation.

Reason: To minimise the risk of pollution to watercourses and to prevent contamination of the soil resource and pollution of the drainage and groundwater regime having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Fixed Plant and Buildings

42. Notwithstanding the provisions of Article 3 and Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with, or without modification) no plant/structures whether fixed/static or mobile nor stocking of waste or other materials shall be erected or placed on the site unless otherwise to have received the prior written approval of the Waste Planning Authority

Reason: To enable the Waste Planning Authority to adequately control, monitor, and minimise the impact on the amenities of the local area having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

#### Cessation Site General

43. In the event of site operations being discontinued for six months following the date of notification of commencement as required in Condition 1 of this permission, then the land shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Waste Planning Authority. The scheme shall be submitted not later than one month from the Waste Planning Authority's issue of written notice that it is of the opinion that use of the land for waste transfer activities has not taken place in the six month period. The scheme, as approved by the Waste Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further

period of 12 months or such other period as may be approved by the Waste Planning Authority.

Reason: To ensure the reclamation of the site is achieved and to enable integration of the restored land into the landscape having regard to Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and the National Planning Policy Framework in respect of ensuring that permitted development does not give rise to unacceptable environmental impacts on the environment.

## **5. Ashlyns Farm, Epping Road, North Weald**

The Committee considered report DR/20/23 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of development and need
- Odour implications
- Landscape impact and Green Belt implications

In accordance with the protocol on public speaking the Committee was addressed by Mr Jim Padfield, speaking on behalf of local residents. Mr Padfield made several points:

- The smell emitting from the site travelled up to three miles. The smell was very distinctive and was a mixture of bad breath, ammonia, and fatty acids. It travelled into neighbouring houses and settled inside.
- Only eight residents had been consulted on the application, when many more were affected by the smell emitting from the site.
- The Environment Agency did not adequately or accurately monitor the site.
- The test undertaken preceding this application allowed one windrow to be constructed to a height of four metres, following which the odour decreased. The conclusion was that there was no negative impact of raising the windrow height to four metres. However, this outcome was due to the other windrows dropping below three metres.
- A similar site in Colchester had not received any complaints. This was because the operator prevented loaders from lifting to more than three metres high.

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

- The established green waste composting facility at Ashlyns Farm was operated by Biogen. The site formed part of the region's waste management infrastructure; particularly with regards to diverting organic waste away from landfill, thereby minimising the release of harmful greenhouse gasses. The incoming green waste



was recycled to form a compost for horticultural and agricultural use. This displaced the need for energy intensive nitrogen-based fertilizers, bolstering the circular economy and fostering local resilience.

- Essex County Council's Climate Action Plan committed to zero waste to landfill by 2030. This would be achieved through the delivery of waste reduction, enhanced recycling, and sustainable disposal. Specific actions had been set out to ensure that there was sufficient capacity to process biowastes into compost and other useful products.
- In line with the Environmental Permit for Ashlyns Farm, the company had continued to invest in new plant and improved operating techniques. These were designed to optimise the composting process. Aeration, moisture, and temperature were carefully managed to create the ideal conditions for microbes to break down the material. In practice, this was achieved through regular turning and irrigation when needed. In doing so, the propensity for odours was greatly reduced.
- Following discussions with the Environment Agency, Biogen was seeking to modify the shape of the stockpiles, known as windrows, to provide greater distinction between batches. To maintain the same throughput capacity, the height would be increased from 3 metres to 4 metres. This would still allow for a tabletop profile and vehicles tracking in reverse when turning material to avoid compaction.
- A trial was run on a single 4-metre-high windrow, to ensure that optimal composting conditions could be maintained, which proved a success.
- Biogen were therefore seeking the permanent variation of Condition 8 so that material could be stockpiled to 4 metres. No change to the throughput tonnage of the facility was proposed – this would continue to be restricted by Condition 3.
- Biogen had agreed to increase the frequency of odour monitoring and proposed additional planting to filter long distance views as a precaution.

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

- Consultation was carried out in accordance with the Statement of Community Involvement, which was part of the Local Plan Framework.
- Odour emissions was a matter of pollution control primarily through the Environmental Permit. It was anticipated that raising the windrows to 4 metres would improve the odour problem. Odour monitoring would be carried out on a more regular basis, and if that monitoring were to reveal that there was an ongoing problem, officers would communicate that to the Environment Agency, which was able to carry out action against the operator.

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

- The Environment Agency was proactively interacting with the site, and the last visit carried out prior to the meeting was in December 2022. Officers had a good working relationship and a joint working protocol with the Environment Agency.
- The Environment Agency had carried out a trial which suggested that there would be an improvement in odour as a result of increasing the windrows to 4 metres.
- As part of the recommendation, the odour monitoring would increase in frequency from 6 monthly periods to 4 monthly periods. The monitoring required was as per

an Odour Management and Monitoring Plan which was secured by planning permission and formed part of the recommendation.

- An independent, third-party consultant carried out the monitoring on the site.
- Any complaints from residents should be directed to the Environment Agency hotline so that they could be logged.
- The Committee preferred that the frequency of odour monitoring be further increased to be carried out every three months.
- The Committee preferred that the permission be granted on a time limited basis, for a period of 12 months.

There being no further points raised, the resolution, including an amendment to increase the frequency of odour monitoring to be at three monthly intervals, and an amendment to grant permission for a period of 12 months, was proposed by Cllr Chris Pond and seconded by Cllr Lynette Bowers-Flint. Following a unanimous vote of in favour it was

### **Resolved**

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

1. The development hereby permitted shall be carried out in accordance with the details submitted by way of the application ref: ESS/20/11/EPF including application form dated 25 March 2011, covering letter dated 25/03/11, Noise Measurement Record submitted with covering letter dated 14/04/11, Design and Access Statement dated March 2011, Transport Report dated March 2010, Planning Statement dated March 2011, letter dated 16/05/11, emails from Charlie Trousdell dated 03/06/11, 07/06/11 07:39, 07/06/11 11:06 and 07/06/11 20:21, and emails from Ann-Marie Shivnen dated 07/06/11, 21/06/11 and 22/06/11 together with drawings numbered:  
3006 002 670 (18/03/11)  
3006 002 671 (18/03/11)  
3006 002 SK-017 (18/03/11)  
3006 002 SK-018 (21/06/11)  
3006 002 SK-019 (22/06/11)  
3006 002 011 Rev B (07/06/11)

AS AMENDED BY the approved details of planning application ref: ESS/29/18/EPF including application form dated 11 September 2018;

AS AMENDED BY the details of planning application ref: ESS/09/20/EPF as clarified in email titled 'RE: ESS/09/20/EPF Update' sent 20 August 2020 12:52;

AS AMENDED BY the details of planning application ref: ESS/04/23/EPF including application form dated 9 January 2023;

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 (2017) Policies 1, 6, 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies SP5, SP6, DM3, DM4, DM21 and DM22.

2. The development hereby permitted shall only be carried out during the following times:

0700 – 1800 hours Monday to Friday  
0900 – 1300 hours Saturdays

And at no other times or on Sundays or Bank or Public Holidays. For the avoidance of doubt all vehicles in excess of 7.5 tonnes (gross vehicle weight) and contractors' vehicles in excess of 3.5 tonnes (gross vehicle weight) associated with the operations shall not be allowed to enter or leave the site outside of these times.

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 (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

3. No more than 45,000 tonnes per annum of unprocessed green garden waste and green agricultural waste shall be accepted at the site. No catering, kitchen waste or processed compost shall be imported to and deposited at the site. Any non green waste arising at the site shall be stored in a designated container prior to its removal from site.

Reason: To minimise the impacts on local amenity, to ensure that the development is carried out in the manner prescribed in the application and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6, 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

4. No more than 80% (by tonnage) of the annual processed compost from the operation hereby permitted shall be exported from or sold directly from the site. A record shall be kept detailing the annual amount of processed compost and the amount of off-site sales/exports. The record shall be made available to the Waste Planning Authority upon written request.

Reason: To minimise the impacts on local amenity, to ensure that the development is carried out in the manner prescribed in the application and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6, 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

5. Foul and surface water drainage shall be managed and maintained as per the details approved pursuant to condition 7 of ESS/20/11/EPF: application form dated 21/08/11 and paragraph 7 of the accompanying statement entitled 'Ashlyns Conditions'.

Reason: To minimise the risk of flooding and polluting watercourses and aquifers

and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6 and 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM15, DM16, DM21 and DM22.

6. The storage lagoon on-site shall be managed and maintained as per the details approved pursuant to condition 8 of ESS/20/11/EPF: application form dated 21/08/11 and paragraph 8 of the accompanying statement entitled 'Ashlyns Conditions'.

Reason: To minimise the risk of flooding and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 6 and 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM15, DM16, DM21 and DM22.

7. Material that is stockpiled, deposited or formed into windrows shall not exceed 4 metres in height when measured from adjacent ground level for a period of 12 months only.

The commencement of the 12 month period of 4 metres high windrows shall be notified in writing to the Waste Planning Authority. Upon cessation of the 12 month period windrow heights shall return to a maximum height of 3 metres.

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies, SP5, SP6, DM3 and DM4.

8. The total number of Heavy Goods Vehicle\* (HGV) movements associated with the development hereby permitted shall not exceed 66 per day (33 in and 33 out). A permanent record shall be kept of HGV movements entering and leaving the site, which shall be made available to the Waste Planning Authority upon written request. For the avoidance of doubt, no HGV movements shall take place outside the hours of operation authorised in condition 3 of this permission.

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

Reason: To limit the volume of traffic in the interests of highway safety, residential amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

9. No loaded vehicle shall leave the site unsheeted.

Reason: To limit the volume of traffic in the interests of highway safety, residential amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

10. No commercial vehicle shall leave the site unless its wheels and underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1 and DM21.

11. Space within the site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site shall be maintained as per the details approved pursuant to condition 14 of ESS/20/11/EPF: application form dated 21 August 2011, accompanying statement, letter from Robert West Consulting dated 02 September 2011 and drawing number 3006 002 670 Rev A, dated 02/09/11.

Reason: In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

12. The first 50 metres of internal access road (from the public highway), or a distance agreed in writing by the Waste Planning Authority, shall be constructed of a hard impervious surface, drained and kept clear of mud and debris throughout the life of the site.

Reason: In the interests of highway safety and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policy T1.

13. Within three months of the date of this permission, a landscaping scheme shall be submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented within the first available planting season (October to March inclusive) and maintained thereafter. The development shall be implemented in accordance with the approved details.

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies SP6, DM3 and DM4.

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

Reason: To minimise the visual impact of the development, in the interests of amenity and landscape character and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies SP6, DM3 and DM4.

15. The free field equivalent continuous noise Level (LAeq, 1hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Spiny Lodge: 52dB LAeq, 1hr  
Irenic Orchard: 45dB LAeq, 1hr  
Wylding Tree Lodge: 46dB LAeq, 1hr

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policy DM21.

16. The development shall be maintained in accordance with the approved Noise Management and Monitoring Plan, titled 'Noise Management and Monitoring Plan (Ongar)' (Version 4, undated). With regard to this, noise levels shall be monitored at three monthly intervals as per the locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policy DM21.

17. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise or broadband alarms. All plant shall furthermore be fitted with and use an effective silencer.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policy DM21.

18. The development shall be maintained in accordance with the approved Odour Management and Monitoring Plan, titled 'Odour Management Plan (Ongar)' (Rev 3a, undated). With regard to this, odour levels shall be monitored at three monthly intervals at locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

19. The development shall be maintained in accordance with the approved Bioaerosol Management and Monitoring Plan, titled 'Bioaerosol Management Plan (Ongar)' (Rev 3, undated). With regard to this, bioaerosol levels shall be monitored at six monthly intervals as per the locations and methodology detailed within the aforementioned. The results of the monitoring undertaken, together with any appropriate commentary (if considered necessary), shall be submitted to the Waste Planning Authority within 1 month of being carried out for review and approval in writing. The frequency of

monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

20. The development shall be maintained in accordance with the approved Dust Management and Monitoring Plan, titled 'Dust Management Plan (Ongar)' (Rev 3, undated).

Reason: In the interests of amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policy 10 and Epping Forest District Local Plan 2011-2033 (2023) Policies DM21 and DM22.

21. All vehicular access and egress to and from the site shall be from Epping Road (A414), as shown on the approved drawings. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Essex and Southend-on-Sea Waste Local Plan (2017) Policies 10 and 12 and Epping Forest District Local Plan 2011-2033 (2023) Policies T1 and DM21.

## **6. Great Bentley Primary School, Plough Road, Great Bentley**

The Committee considered report DR/21/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 2, 5, 6 and 14.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- A. Need
- B. Policy Considerations
- C. Impact on Playing Field
- D. Design, Layout and Sustainability
- E. Impact on Historic Environment
- F. Impact on Natural Environment
- G. Impact on Residential Amenity
- H. Traffic & Highways

In accordance with the protocol on public speaking the Committee was addressed by Mrs Tracey Caffull, the Headteacher of Great Bentley Primary School. Mrs Caffull made several points:

- Great Bentley Primary School was unable to meet the demand for school places from the village. Each year, the school received in excess of 70 first place choices, however, there was only capacity for 30 pupils. There had been

pressure from the Local Authority to add mid-year applicants to school numbers, and the school was over the legal class limit in five of seven classes.

- The square footage of each classroom was either just on or under the recommended space. There was additional pressure due to birth rates and new housing growth.
- The proposal would expand the existing school site by 210 pupils, thus doubling the size to help to meet the demand.
- Some children living nearby had been refused a place at the school and had to travel up to five miles to another school as a result.
- The design of the new building was functional. The school was confident that it could control the increased footfall by implementing a rolling start time to the day, which would spread the arrival times of students. Before and after school clubs would also assist with this.
- The village hall had committed to supporting the school with this extension by allowing the use of their car park during pick up and drop off times to ensure that cars were parked further away from the school entrance. This had historically been an informal arrangement, however, had been confirmed in writing.
- The school was committed to reducing traffic outside by using strategies to encourage active travel.
- The school had reviewed the impact of the loss of the school field and believed that they could still meet statutory obligations.

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

- The design life of the proposed building would be 40 to 50 years.
- Sport England would have 21 days in which to call in the application.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed by Cllr Lynette Bowers-Flint and seconded by Cllr Mike Steel. Following a vote of 8 in favour, 1 abstention, it was

## **Resolved**

That subject to the Secretary of State not wishing to call-in the application for his own determination, planning permission be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, 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.

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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/TEN/19/23 dated 13 February 2023 and validated on 13 February 2023 together with Drawing Numbers:

- H15858-EX1 Rev B – External Works Layout – 7.10.22



- H15858-EX2 – External Works Detail – 7.10.22
- H15858-SK1 Rev A – Proposed Foundation Layout – 7.10.22
- H15858-DO1 Rev D – Drainage Layout – 7.10.22
- H15858-DO2 – Drainage Details – 7.10.22
- 584700-JSH-XX-XX-DR-E-0100 Rev PO2 – External Lighting Layout Site – 01.23
- TCTC-18609-PI-01- Tree Survey – Sept 2022
- 6911-GB-SBA-ZZ-XX-DR-A-1100-PO3 – Site Location Plan – 200123
- 6911-GB-SBA-ZZ-00-DR-A-1206-P03 – Existing School Works Proposed Drawings – 201023
- 6911-GB-SBA-ZZ-00-DR-A-1301-P07 – Elevations 1 – 05.05.23
- 6911-GB-SBA-ZZ-00-DR-A-1302-P07 – Elevations 2 – 05.05.23
- 6911-GB-SBA-ZZ-00-DR-A-1401-PO3 – Proposed Sections Sheet 1 – 200123
- 6911-GB-SBA-ZZ-01-DR-A-1202-PO4 – Proposed First Floor Plan – Newbuild – 200123
- 6911-GB-SBA-ZZ-RF-DR-A-1203-PO4 – Proposed Roof Plan Newbuild – 201023
- 6911-GB-SBA-ZZ-XX-DR-A-1101-P04 – Proposed Site Block Plan – 201023
- 6911-GB-SBA-ZZ-XX-DR-A-1102-P05 – Proposed Concept Site Plan – 200123
- 6911-GB-SBA-ZZ-XX-DR-A-1103-P10-Proposed Site Plan with Existing School Works – Date 14
- 6911-GB-SBA-ZZ-XX-DR-A-1104-P05-Proposed Site Block Plan – 200123
- 6911-GB-SBA-ZZ-00-DR-A-1502-P03-3d Views – 201023
- 6911-GB-SBA-ZZ-00-DR-A-1201-P05 – Proposed Ground Floor Plan Newbuild -230413
- 6911-GB-SBA-ZZ-00-DR-A-1205-P03 – Existing Schools Works – Existing Plan – 201023
- 6911- GB-SBA-ZZ-XX-DR-A-1115-PO4 – Site Adjacencies & Travel Distances – 14.6.23
- 6911-GB-SBA-ZZ-XX-DR-A-1412-PO1 – Sitewide Section Realistic – 19.6.23

and

- Letter from Great Bentley Village Hall dated 18th May 2023

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy SP1 and Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL2, Policy SPL3, Policy HP5, Policy PPL4, Policy PPL7,

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Policy PPL8, Policy PPL10, Policy PP12 and Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

3. Prior to the beneficial occupation of the development hereby permitted, the parking areas, including any parking for the mobility impaired, shown on Drawing Number 6911-GB-SBA-ZZ-XX-DR-A-1104-P05 (Proposed Site Block Plan) dated 201023 shall be laid out, hard surfaced, sealed and clearly marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

4. Prior to beneficial occupation of the development hereby permitted, the cycle parking and scooter parking provision shown on Drawing Number 6911-GB-SBA-ZZ-XX-DR-A-1104-P05 (Proposed Site Block Plan) dated 201023 shall be provided. The cycle and scooter spaces shall thereafter be retained and maintained for cycle and scooter parking and shall be used for no other purpose for the duration of the development hereby permitted.

Reason: To ensure appropriate cycle and scooter parking is provided in accordance with Policy CP1 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

5. The programme of archaeological investigation and recording shall be implemented in accordance with the Written Scheme of Investigation for Archaeological Evaluation prepared by GHC Archaeology & Heritage (Ref: 1162/03) dated June 2023 prior to the commencement of any development hereby permitted or any preliminary groundworks.

Reason: To ensure that the programme of archaeological field work defined within the Written Scheme of Investigation is undertaken in accordance with Policy PPL7 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

6. Within six months of the completion of the archaeological fieldwork, a post excavation assessment shall be submitted to and approved in writing by the County Planning Authority. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum and submission of a publication report.

Reason: To ensure that the results of the fieldwork are appropriately processed and a publication is produced defining the results in accordance with Policy PPL7 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

7. The development hereby permitted shall be carried out in accordance with Drawing Number 6911 Great Bentley material sample board (003) and Page 11 of the Design and Access Statement 6911 PO5 dated 9 May 2023.

Reason: In the interest of the amenity of the local area and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

8. The development hereby permitted shall be carried out in accordance with Drawing Numbers:
  - 6911-GB-SBA-ZZ-XX-DR-A-1415-PO7 – Storey Rod Sections – 21.4.23
  - 6911-GB-SBA-ZZ-XX-DR-A-1502-PO1- External Wall Details – 21.4.23
  - 6911-GB-SBA-ZZ-XX-DR-A-1509-PO1 – Main Entrance Façade Feature – 26.04.23
  - 32679-96-176 – Comar 5Pi Advanced (Coupled) Window System Position 1 – 31.03.23
  - 32679-96-176 – Comar 9Pi (100mm) Loose Beaded Ladderframe Position 2 – 31.03.23
  - 32679-96-176 – Comar 9Pi (100mm) Loose Beaded Ladderframe Position 3 - 31.03.23
  - 32679-96-176 – Comar 5Pi (Advanced) – Externally Beaded Mitred Window Position 4 – 31.03.23
  - 32679-96-176 – Comar 5Pi Advanced – Externally Beaded Mitred Window Position 5 – 31.03.23
  - 32679-96-176 – Comar 5Pi (Advanced) – Externally Beaded Mitred Window Position 6 – 31.03.23
  - 32679-96-176 – Comar 5Pi (Advanced) Externally Beaded Mitred Window Position 7 – 31.03.23
  - 32679-96-176 – Comar 5Pi Advanced (Coupled) – Window System Position 8 – 31.03.23
  - 32679-96-176 - Comar 5Pi (Advanced) – External Beaded Mitred Window Position 9 – 31.03.23
  - 32679-96-176 – Comar 5Pi (Advanced) – External Beaded Mitred Window Position 10 – 31.03.23
  - 32679-96-176 – Comar 9Pi (100mm) – Loose Beaded Ladderframe Position 11 – 31.03.23
  - 32679-96-176 – Comar 9Pi (100mm) – Loose Beaded Ladderframe Position 12 – 31.03.23
  - 32679-96-176 – Comar 9Pi (100mm) – Loose Beaded Ladderframe Position 13 31.03.23
  - 32679-96-176 – Position 14 – 31.03.23
  - 32679-96-176 – Comar 5Pi (Advanced) External Beaded Mitred Window Position 15 – 31.03.23
  - 32679-96-176 – Comar 9Pi (100mm) Loosed Beaded Ladderframe Position 16 – 31.03.23

And email from Strutt & Parker dated 28 April 2023 08:33.

Reason: In the interest of amenity of the local area, to preserve those elements of the setting that make a positive contribution to the Conservation Area and which better reveal its significance and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section1 adopted January 2021 and Policy SPL3 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal/Low Impact EcIA version 2 (Hybrid Ecology, February 2023) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

10. Within three months of the decision for the development hereby permitted being issued, an ecological design strategy (EDS) shall be submitted to and approved in writing by the County Planning Authority. The Strategy shall address the mitigation, compensation and enhancements for the wildlife pond area, trees, hedgerow and shrubs and habitat boxes. The EDS shall include the following:
  - a. Purpose and conservation objectives for the proposed works
  - b. Review of site potential and constraints
  - c. Detailed design(s) and/or working method(s) to achieve stated objectives
  - d. Extent and location/area of proposed works on appropriate scale maps and plans
  - e. Type and source of materials to be used where appropriate e.g native species of local provenance
  - f. Timetable for implementation
  - g. Persons responsible for implementing the works
  - h. Details of initial aftercare and long-term maintenance
  - i. Details for monitoring and remedial measures
  - j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the County Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

11. The development hereby approved shall be carried out in accordance with Drawing Number TCTC-18609-L-01 Rev F (Landscape Masterplan) dated 2.5.23.

The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development in accordance with the approved details.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

12. Any tree, shrub or hedgerow forming part of the landscaping scheme approved in connection with the development hereby permitted (shown on Drawing Number TCTC-18609-L-01 Rev F (Landscape Masterplan) dated 2.5.23) 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 an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy SP7 of the Tendring Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

13. No vehicle connected with the development hereby permitted shall arrive on site before 0730 hours or leave after 1900 hours (except in the case of emergency).

The development hereby permitted shall not be carried out unless during the following times:

- 0800 hours to 1800 hours Mondays to Fridays
- 0800 hours to 1300 hours Saturdays

And at no other times, including on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and in accordance with Policy SP7 of the Tendring Local Plan 2013-2023 and Beyond: North Essex Authorities' Shared Strategic Section 1 adopted January 2021 and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

14. No development shall take place, including any groundworks or demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. Vehicle routing
- ii. The parking of vehicles of site operatives and visitors
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Wheel and underbody washing facilities
- vi. Before and after condition survey to identify defects to the highway in the vicinity of the access to the site and where necessary ensure repairs are undertaken.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond: Section 2 adopted January 2022.

**7. Land adjacent to Harvey Automobile Engineering of Paynes Lane, Nazeing**

The Committee considered report DR/22/23, by the Chief Planning Officer, relating to an authorised minerals and waste development.

Members noted the addendum to the agenda.

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

- GPS equipment had been used to define the extent of the expansion area to provide a formal baseline for use in the event of any further complaints about site expansion.
- For clarity, the recommendation did not permit waste treatment within the area edged red.

Following a unanimous vote in favour, it was

**Resolved**

That, no further action is taken by the Waste Planning Authority in respect of the importation, deposit and storage of material within the area edged red, as shown on plan included within the report.

**8. Land at Fairfields Farm, Fordham Road, Wormingford**

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The Committee considered report DR/23/23 relating to unauthorised minerals and waste development.

The Committee NOTED the report.

**9. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/24/23; applications, enforcement and appeals statistics, as at the end of May 2023.

The Committee NOTED the report.

**10. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 28 July 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 12:51am.