



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 24 January 2020</b>	<b>Committee Room 1, County Hall, Chelmsford, CM1 1QH</b>
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**For information about the meeting please ask for:**

Matthew Waldie, Democratic Services Officer

**Telephone:** 033301 34583

**Email:** democratic.services@essex.gov.uk

### **Part 1**

(During consideration of these items the meeting is likely to be open to the press and public)

		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>5 - 5</b>
<b>2</b>	<b>Minutes</b> To approve the minutes of the meeting held on 22 November 2019.	<b>6 - 58</b>
<b>3</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>4</b>	<b>Minerals and Waste</b>	

<b>4.1</b>	<b>Pitsea Landfill</b>	<b>59 - 110</b>
	To consider report DR/01/20, relating to the continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4, to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility. Location: Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH. Reference: ESS/49/14/BAS	
<b>5</b>	<b>County Council Development</b>	
<b>5.1</b>	<b>Junction 7A to M11 link</b>	<b>111 - 158</b>
	To consider report DR/01/20, relating to an interim scheme to provide a dual carriageway link road between Sheering Road and the new M11 Junction 7A, to enable Junction 7A to become operational in the period prior to the construction of the approved Phase 2B. Location: Land between Sheering Road and the M11 Motorway. Reference: CC/EPF/65/19	
<b>6</b>	<b>Enforcement Update</b>	
<b>6.1</b>	<b>Enforcement of Planning Control - Quarterly update</b>	<b>159 - 162</b>
	To update members of enforcement matters for the period 1 October to 31 December 2019 (Quarterly Period 3).	
<b>7</b>	<b>Information Item</b>	
<b>7.1</b>	<b>Applications, Enforcement and Appeals Statistics</b>	<b>163 - 165</b>
	To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee. Report DR/04/20	
<b>8</b>	<b>Dates of Future Meetings</b>	<b>166 - 166</b>
	To note Committee meeting dates, up to April 2021. Report DR/05/20.	
<b>9</b>	<b>Date of next meeting</b>	
	To note that the next meeting will be held at 10:30am on Friday 28 February 2020, in Committee Room 1, County Hall.	

## **10 Urgent Business**

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

### **Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

**That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.**

## **11 Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

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All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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## Agenda item 1

**Committee:** Development and Regulation Committee

**Enquiries to:** Matthew Waldie, Democratic Services Officer

### **Membership, Apologies, Substitutions and Declarations of Interest**

#### **Recommendations:**

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

#### **Membership**

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor D Blackwell	
Councillor M Durham	
Councillor M Garnett	
Councillor M Hardware	
Councillor D Harris	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor A Wood	

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## **Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 22 November 2019**

### **Present:**

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr M Hardware	Cllr A Wood
Cllr D Harris	

### **1 Apologies for Absence**

Apologies were received from Cllr D Blackwell.

### **2 Declarations of Interest**

Cllr Hillier declared an interest in agenda item number 4.3 (Dollymans Farm update) as the owner of the site was a former client. Cllr Hillier would remain in the room during consideration of this item but not participate in any debate nor vote on the resolution. (Minute 7 refers.)

### **3 Minutes**

The minutes of the meeting held on 25 October 2019 were agreed and signed.

### **4 Identification of Items Involving Public Speaking**

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

1) To consider report DR/34/19, relating to the extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry, erection of sand and gravel processing plant and ancillary facilities, new vehicular access onto the B1027 Brightlingsea Road, and restoration to agriculture and low-level water-based nature conservation habitats, lowland meadow, woodland planting and hedgerow enhancement using approximately 1.2 million cubic metres of imported inert waste material.

Location: Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Alresford, Essex, C07 8DB

Reference: ESS/17/18/TEN.

Public Speaker      Mike Pendock, speaking for.

2) To consider report DR/35/19, relating to the continued operation of the anaerobic digestion plant without compliance with condition 2 (approved details) and 4 (hours of operation) attached to permission ref. ESS/27/18/BTE to allow the installation of ancillary structures/tanks and deliveries to take place on Sundays and Bank/Public Holidays.

Location: Land north of Bluebridge Industrial Estate, Halstead, Essex.  
Reference: ESS/69/19/BTE

Public speaker: Karl Cradick, speaking for.

It was noted that the application DR/35/19 would be considered first.

## **5 Halstead Anaerobic Digestion Facility**

The Committee considered report DR/35/19 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.

The Committee noted the key issues:

- Principle of development
- Noise impact
- Odour impact
- Highways impact

In accordance with the protocol on public speaking the Committee was addressed by Karl Cradick, a Director with Savills and the applicant's planning consultant and speaking in favour of the application. Mr Cradick made several points.

- The applicant, Biogen, bought the previous operator and now has 19 operational sites, including the Bluebridge facility, which processes 45,000 tonnes of food waste per annum, one third of which comes from Essex County Council, the remainder from private contractors
- Biogen was aware of difficulties the site had experienced in the past. Consequently the facility was closed for three months, for comprehensive maintenance and an operational overhaul; and now renewable energy production is at a near-optimal level and complaints about odour have reduced significantly
- There are two elements to the application: 1, in respect of tanks installed by the previous operator without seeking permission; and 2, the extension of operating hours to include Sundays and Bank Holidays
- The extending of the hours will level out the importation of food waste onto the site. This not only makes it easier to process the material, as it avoids peaks and troughs, but it also allows the producers to provide the food waste in a less degraded state; both of these help to reduce odours
- No change in overall quantity of waste material or number of vehicle movements is being sought.

Members noted:

- No comments had been received from Braintree District Council
- The industrial estate was a preferred location for such activity and was a safeguarded site under the local planning policy

- There were no restrictions on traffic movements on weekdays, but these would be monitored on Saturdays and Sundays
- The regular processing of feedstock was less likely to produce unwanted chemical reactions and potential odours
- The applicant was aware of the issues and it was up to it and the EA to ensure they were dealt with.

## Resolved

That planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of application ESS/25/10/BTE dated 05/07/2010 and supplementary information dated July 2010, as amended by details of application ESS/28/13/BTE dated 05/06/2013, comprising:
  - Application Form dated 5 June 2013
  - Drawing No 13005\_05 Rev P3 dated 29/05/13
  - Drawing No 13005\_06 Rev P3 dated 30/05/13
  - Drawing No 13005\_07 Rev P3 dated 30/05/13
  - Drawing No JBA 13/59-TS01 Rev B dated 30/05/13
  - Drawing No JBA 13/59-01 Rev B dated 28/05/13
  - Drawing No ESM.0000.A3. 0055.DWG Rev A dated 11/05/04
  - Drawing No 0009A dated 18/05/2007
  - Promap Site Plan 1:2500 A3
  - Emails from Jeremy Elden dated 28 July 2010, 05 August 2010, 06 August 2010, 20 August 2010 17:22 and 19:46, 26 August 2010, 31 August 2010, 01 September 2010, 15 September 2010, 22 September 2010, 05 October 15:10 and 15:49, emails from Matt Clarke dated 07 July 2010, 02 September 2010 09:48 and 15:07, 03 September 2010, Letters from JMJ Planning dated 09 July 2013, 29 July 2013 and 30 July 2013
  - Design and Access statement, received 07 July 2010 and updated June 2013
  - Planning Statement, received June 2010 and updated June 2013
  - Highways Traffic and Transport Statement dated 17 June 2010
  - Landscape and Visual Impact Assessment dated February 2010 and updated June 2013
  - Measured Works Schedule dated 28 May 2013



- Management Statement dated April 2013
- Aborigicultural Implications Assessment dated October 2009
- Flood Risk Assessment dated May 2010
- Phase 1 Habitat Survey dated 04 October 2009
- Reptile Survey dated 05 October 2009
- Air Quality Assessment dated June 2010 and Wardell Armstrong Air Considerations Note
- Noise Assessment dated June 2010 and Wardell Armstrong Noise Considerations Note
- Site Check Environmental Risk Assessment dated 13 March 2007

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

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

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

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

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

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

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

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

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

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

4. Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations;

- 07:00 to 18:00 hours Monday to Friday
- 07:00 to 12:00 hours Saturday
- 12:00 to 16:30 hours Saturday following a Bank or Public Holiday (one Saturday per bank or public holiday) for up to a maximum of 15 RCV's/HGV's (30 movements)
- 08:00 to 16:00 hours on Sundays and Bank or Public Holidays for up to a maximum of 11 RCVs/HGVs (22 movements)

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

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

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

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

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

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

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

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

Reason: In the interest of amenity and to comply with Essex and Southend

on Sea Waste Local Plan Policy 10 and Braintree District Local Plan Policies RLP36, RLP62 and RLP75.

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

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

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

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

8. The development hereby permitted shall be implemented in accordance with the External Lighting Strategy approved on (10/12/2013) of planning permission ref (ESS/28/13/BTE). The approved details of the (details pursuant to condition 8 – lighting) are set out in the application for approval of details reserved by condition received (07/10/2013).

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

9. The development hereby permitted shall be carried out in accordance with Measured works schedule: Detailed soft landscape proposals' Revision B dated 28/05/13, 'Management Statement' Revision A dated April 2013, 'Arboricultural Implications Assessment/Method Statement' dated April 2013, statement entitled 'Planning permission ESS/25/10/BTE: Application to discharge condition 10: Supplementary information' dated 24 April 2013 and drawing numbers JBA 13/59-TS01 Rev B dated 30/05/13 and JBA 13/59-01 Rev B dated 28/05/13. The scheme shall be implemented within the first available planting season (October to March inclusive) or the first available

planting season (spring and autumn) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 10 of this permission. Any amendments to the schemes approved under this condition shall only be implemented following submission to and approval in writing from the Waste Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. The development hereby permitted shall be carried out in accordance with

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

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

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

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

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

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

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

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

## 6 Wivenhoe Quarry extension

The Committee considered report DR/34/19 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some changes to the conditions.

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:

- Need and Principle
- Policy considerations
- Traffic & Highway impact
- Impact on Ecology and Trees
- Landscape and Visual impact
- Amenity and Health
- Flood Risk and Water Pollution
- Historic Environment.

In accordance with the protocol on public speaking the Committee was addressed by Mr Mike Pendock, Strategic Planning Manager for Tarmac Aggregates and in support of the application. Mr Pendock made several points:

- The existing site has supplied aggregates for projects across the county and the proposed working scheme has been designed to provide the sustainable means to extract, process and distribute the sand and gravel
- Tarmac have consulted with local stakeholders and the community over the past two years and have refined the working scheme, including increasing standoffs and retention of trees and hedgerows - to ensure the minimum impact on neighbouring residents and safeguarding the ecology of the site
- Relocating the processing operations will reduce impact on residential properties, give better access to the B1027 and provide the opportunity to replace existing plant with modern equipment that is smaller, more environmentally friendly, more efficient and quieter, reducing the carbon footprint of the extraction process
- In the past, the Wivenhoe site has been awarded gold and silver standards in the Council's Environmental Award scheme and the proposed extension has the potential to deliver over 50 hectares of priority habitat as part of its restoration plan. Tarmac is committed to liaising with the local community
- The approval of this scheme would safeguard ten jobs, plus indirect jobs in the supply chain.

Following comments made by Members, it was noted:

- The Environment Agency had no concerns about the operation's proximity to the brook; the wording used confirmed that all appropriate measures were in

- place to minimise the likelihood of environmental harm
- It was proposed to include a standard condition in respect of bunded fuel storage
- Details were to be provided on sewage management
- With regard to the addition of a right-hand filter lane, some of the verge and a lay-by would be used for this. A road safety audit would be carried out as part of the application, and a speed survey might be carried out at the detailed design stage, if that was considered appropriate

*Cllr Hardware left the meeting at 11.27 am*

- Regarding the potential impact of these lorries on local traffic, there was a lorry routing plan to avoid the use of certain roads, and the main access/egress route, the B1027, was classified as a Priority 1 Route by Essex Highways, with no accident history. In terms of mineral miles, the route heading south-east would go via Alresford, and be subject to the speed restrictions; but more loads would go in the other direction, as the construction of the new Tendring/Colchester Garden Community is anticipated to create a substantial demand for minerals
- There was no way of assessing the possible damage to the roads from use by these particular HGVs – and, as a Priority 1 route, the B1027 benefited from the highest level of maintenance. A full-depth reconstruction would be carried out at the new right-turn lane
- There have been archaeological investigations and several conditions proposed to control any impact on local archaeology.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

### **Resolved**

That planning permission be granted subject to:

Within 6 months, the completion of a legal agreement/s requiring that:

- the existing permission ref ESS/43/19/TEN is restored in the majority prior to commencement of mineral extraction;
- A regular liaison meeting;
- Biodiversity commitments and long term aftercare for a period of 25 years;
- Provision of a permissive route;
- A vehicle routing scheme, avoiding Birds Farm Lane and School Road;
- Temporary diversion of Footpath 24;
- Prior provision of a right-turn lane within the B1027;
- A scheme for protection of groundwater.

And to conditions covering the following matters.

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



of such commencement.

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 13 June 2018, together with drawing numbers

- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 1 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 2 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 3 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 4 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 5 of 6
- UTC-0027-P02-TCP-3 of 4 Rev A dated 19/08/16 – Tree Constraints Plan 6 of 6
- W328-00062-13-D dated 21/10/19 – Cross Sections
- W328-00062-12-D dated 21/10/19 – Proposed Restoration Scheme
- W328-00062-08-D dated 21/10/19 – Working Plan – Progress at Year 5
- W328-00062-09-D dated 21/10/19 – Working Plan – Progress at Year 10
- W328-00062-10-D dated 21/10/19 – Working Plan – Progress at Year 15
- W328-00062-11D dated 22/10/19 – Working Plan – Progress at Year 20
- W328-00062-07-D dated 21/10/19 – Plant Site Elevations
- W328-00062-06-D dated 22/08/19 - Plant Site Layout Plan
- W328-00062-05-D dated 22/08/19 – Area North of Plant Site – Landscape Strategy
- W328-00062-04-D dated 21/10/19 – Proposed Site Access – Landscape Strategy
- W328-00062-03-D dated 21/08/19 – Proposed Working Plan
- W328-00062-02-D dated 21/10/19 – Existing Situation
- W328-00062-01-D dated 21/10/19 – Location Plan
- 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane

cover letters by David L Walker Limited dated 13 June 2018 and 16 April 2019,

e-mails from David L Walker Ltd dated 11 March 2019 14:25; 01 July 2019 15:20; 13 August 2019 17:04; 14 August 2019 15:35; 28 August 2019 09:56; 11 September 2019 14:46; 28 August 2019 09:42, 28 August 2019 16:42

- Economic Statement by David L Walker Limited dated June 2018;

- Supporting Statement (Including Planning Statement) by David L Walker Limited dated June 2018;
- Health Impact Assessment Screening Record Sheet by Stantec UK Ltd dated 4<sup>th</sup> December 2018;
- Habitats Regulations Assessment (HRA) Screening Information ref CE-WQ-0992-RP13 – Final by Crestwood Environmental Ltd dated 18 December 2018;
- Supplementary Statement by David L Walker Ltd dated April 2019 and Appendices:
  - 2 – Ecological Impact Assessment by Crestwood Environmental Ltd ref CE-WQ-0992-RP09a-Final dated 29 March 2019
  - 3 – Addendum to Landscape and Visual Impact Assessment ref 2463-4-4-4-T-0002-S0-P1 by David Jarvis Associates dated 12 March 2019 as updated by Additional Information/Clarification note by David Jarvis Associates dated 23/10/19.
  - 4 – Noise Assessment by WBM Acoustic Consultants dated 03 December 2018, as amended by Email Note: Tarmac Wivenhoe Extension (ESS/17/18/TEN) Calculated Site Noise Level at Furzedown by WBM Acoustic Noise Consultants dated 09 September 2019;
  - 6 – Biodiversity Enhancement Plan ref CE-WQ-0992-RP10a-Final by Crestwood Environmental Ltd dated 20 December 2018;
- Wivenhoe Quarry Revised Design Review ref 382187/TPN/ITD//072/A by Mott MacDonald dated 21 August 2019

and the contents of the Environmental Statement by David L Walker Limited dated June 2018 and Appendices:

- 2 – Soil Resources and Agricultural Quality Report 706/1 by Land Research Associates dated 24 August 2015
- 4 – Landscape and Visual Impact Assessment ref 2463-4-4-4-T1001-S4-P2 by David Jarvis Associates dated 30/04/18
- 5 – Archaeology and Cultural Heritage Assessment by Phoenix Consulting Archaeology Ltd dated March 2018
- 6 – Geoarchaeological Assessment of Borehole Records by Martin R Bates dated January 2018
- 7i – Hydrogeological Impact Assessment ref 61272R1 by ESI Consulting dated 21 May 2018
- 7ii – Flood Risk and Drainage Assessment ref 61272R2 by ESI Consulting dated 25 May 2018
- Transport Assessment ref SJT/RD 15010-01d by David Tucker Associates dated 08 March 2018 as amended by drawing ref 15010-03 Rev B dated Aug19 – Proposed Right Turn Lane
- 10 – Air Quality Assessment ref R18.9705/2/RS by Vibrock Ltd dated 23 May 2018
- 11 – Construction Environment Management Plan: Biodiversity ref CE-WQ-0992-RP11-Final by Crestwood Environmental Ltd dated 23 May 2018

and Non-Technical Summary Revision A by David L Walker Limited dated April 2019

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals 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 Minerals Local Plan 2014 Policies S1, S2, S3, S10, S11, S12, P1, DM1 and DM3; Waste Local Plan 2017 Policies Policy 3, Policy 10, Policy 11 and Policy 12; and Tendring District Local Plan 2007 Policies QL3, QL11, COM20, COM21, COM22, COM23, COM31a, EN1, EN4, EN6, EN6a, EN6b, EN29, TR1a, TR1, TR4 and TR9.*

3. The development hereby permitted shall be completed within a period of 19 years from the date of commencement of the development as notified under Condition 1, by which time all extraction operations shall have ceased and the site shall have been restored within a further 2 years in accordance with the scheme approved under Conditions 19 and 66 and shall be the subject of aftercare for a period of 5 years (in accordance with a scheme approved under Condition 67 of this planning permission).

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and the environment and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.*

4. Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than the time limit imposed by Condition 3, following which the land shall be restored in accordance with the restoration scheme approved under conditions 19 and 66 of this permission.

*Reason: To enable the Minerals Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.*

5. In the event of a cessation of winning and working of mineral, or the deposit of waste, for a period in excess of 6 months, prior to the achievement of the completion of the approved scheme, as referred to in Conditions 19 and 66, which in the opinion of the Minerals Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall, within 3 months of a written request from the Minerals Planning Authority, be submitted to the Minerals Planning Authority for its approval in writing. The development shall thereafter be implemented

in accordance with the approved revised scheme of restoration and aftercare.

*Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10; and Tendring District Local Plan Policies QL11 and EN1.*

6. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority as soon as practicable):

(a) Other than water pumping and environmental monitoring, no operations, including vehicles entering or leaving the site and including temporary operations as described in condition 39, shall be carried out outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;  
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(b) no mineral extraction, materials importation and deposition or mineral processing activities shall take place outside of the following times:

0700 hours to 1800 hours Monday to Friday

or on Saturdays, Sundays or Bank or Public Holidays

For the avoidance of doubt, mineral distribution operations shall not take place outside of the following times:

0700 hours to 1800 hours Monday to Friday; and;  
0700 hours to 1300 hours Saturdays

or on Sundays or Bank or Public Holidays.

(c) No operations for the formation and subsequent removal of material from any environmental banks and soil storage areas shall be carried out at the site except between the following times:

0800 hours to 1600 hours Monday to Friday,

and at no other times or on Bank or Public Holidays.

(d) No operations other than environmental monitoring and water pumping at the site shall take place 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 to comply with Minerals Local Plan Policies S2, S10, DM1 and DM3, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policies QL11, COM21 and COM22.*

7. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, a detailed scheme for such construction shall be submitted to and approved in writing by the Minerals Planning Authority.

The scheme shall include details and drawings of the exact location and dimensions of the tunnel to provide for single vehicle at a time access only, the method of and timescales for excavating the tunnel, together with details of the design of the structure carrying pedestrians over the tunnel which shall include handrails with mid-rails to ensure pedestrian safety.

The scheme shall include temporary provisions to divert FP24 to enable the safety of all users during the construction works.

The scheme shall include details of the method and design of restoration of the tunnel.

The development shall take place in accordance with the approved scheme.

*Reason: In the interest of the safety of all users of both Footpath 24 and the haul route, to secure the proper restoration of the site in the interests of local amenity and the environment, and to comply with Minerals Local Plan Policies S2, S10, S12, P1, DM1 and DM3, Waste Local Plan Policies Policy 3 and Policy 10 and Tendring District Local Plan Policies QL11, EN1 and TR4.*

8. The public's rights and ease of passage over Public Footpath 24 shall be maintained free and unobstructed at all times with a minimum width of 3m, except as approved under Condition 9 of this permission, unless otherwise approved in writing by the Minerals Planning Authority.

*Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.*

9. Prior to the commencement of construction of the 'tunnel under FP24' as indicated on drawing ref W328-00062-03-D dated 21/08/19, the temporary diversion of the existing definitive right of way of Footpath 24 to a route to be agreed with the Minerals Planning Authority shall have been confirmed and the new route shall have been constructed to the satisfaction of the Minerals Planning Authority.

*Reason: To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.*

10. No mineral extraction or importation of restoration materials shall take place until precise details of the arrangements for the monitoring of ground water

levels, including the location and installation of boreholes, frequency of monitoring and reporting for the duration of the development hereby permitted, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: To protect groundwater from pollution and to assess the risks of effects arising from changes in groundwater levels and comply with Minerals Local Plan Policies DM1 and S12, Waste Local Plan Policies Policy 10 and Policy 11 and Tendring District Local Plan Policy COM23.*

11. Prior to commencement of development, a Dust Management Plan (DMP) shall be submitted to the Minerals Planning Authority for its approval in writing.

The DMP shall incorporate all relevant measures from the latest guidance published by the Institute of Air Quality Management (IAQM)<sup>i</sup>, including the following:

- The suppression of dust caused by the moving, processing and storage of soil, overburden, and other materials within the site;
- Dust suppression on haul roads, including speed limits;
- Provision for monitoring and review of the DMP;
- Document control procedures;
- Confirmation of agreed activity timescales and hours of operation;
- Emergency procedures, including emergency contact details and instructions to stop work whenever relevant;
- Procedures to ensure adequate top-up and frost protection of water suppression systems;
- Details of incident & complaints logging procedures;
- Staff training procedures;
- Minimum emission standards for construction vehicles, to be agreed with the Mineral Planning Authority;
- Preventative maintenance schedule for all plant, vehicles, buildings and the equipment concerned with the control of emissions to air. It is good practice to ensure that spares and consumables are available at short notice in order to rectify breakdowns rapidly. This is important with respect to arrestment plant and other necessary environmental controls. It is useful to have an audited list of essential items;
- Resident Communication Plan. The operators should keep residents and others informed about unavoidable disturbance such as from unavoidable noise, dust, or disruption of traffic. Clear information shall be given well in advance and in writing. The use of a site contact board could be considered together with provision of a staffed telephone enquiry line when site works are in progress to deal with enquiries and complaints from the local community;
- Methodology for proportionate dust monitoring and reporting to check the ongoing effectiveness of dust controls and mitigation, check compliance with appropriate environmental standards, and to enable an effective response to complaints.

The development shall thereafter be implemented in accordance with the approved DMP.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Minerals Local Plan Policies DM1, DM3 and S10, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM20 and COM23.*

12. No development shall take place, including ground works and vegetation clearance, until a long term continuous bat monitoring strategy for Hedgerow numbers H2, H4, H6, H8 and H10 (as shown on the Phase 1 Habitat Plan (Drawing No: Figure E1 CAD ref: CE-WQ-0992-DW03-Final) has been submitted to, and approved in writing by, the minerals planning authority. The purpose of the strategy shall be to monitor the use of hedgerows by bats as a result of the changes to them and the use of bat bridges. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.
- i) Set out requirements for each relevant phase (1,2,3 and 4 on Drawing Number W328-00062-03-D (21/08/19).

A report describing the results of monitoring shall be submitted to the Minerals Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the minerals planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

13. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the submitted revised Ecological Impact Assessment (EclA) (Crestwood Environmental Ltd, 29th of March 2019), as amended by the details to be agreed under Condition 16 of this permission.

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 MPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

14. Prior to commencement of the development hereby permitted, an updated Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Minerals Planning Authority.

The CEMP 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 CEMP should take into account of the following:

- The site will be worked in a phased approach over a long period of time. Additional surveys will be required prior to each phase;
- Any trees/ hedgerows requiring removal should be done as late as possible in the process before work starts on a phase;
- Incorporation of a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to removal of hedgerows in Phase 2;



- Incorporation of the information from surveys as required by condition 15 as it becomes available
- Arrangements for accessing 'Bund B' as shown on drawing ref W328-00062-06-D dated 22/08/19.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Minerals Planning Authority.

*Reason: To conserve Protected and Priority species and allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

15. Further supplementary ecological surveys for bats and dormice shall be undertaken prior to the commencement of each phase as shown on drawing ref W328-00062-03-D dated 21/08/19 to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 14 and 17. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity, to allow the MPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

16. Prior to commencement of any removal of hedgerows or mineral extraction, an updated Biodiversity Enhancement Plan (BEP) for Protected and Priority species and habitats shall be submitted to and approved in writing by the Minerals Planning Authority. The BEP shall update the submitted Biodiversity Enhancement Plan by Crestwood Environmental Ltd dated 20<sup>th</sup> December 2018 to include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.
- g) Any changes in light of amendments to the areas of restored habitats.
- h) Updated list of tree and understorey/hedge species to be planted to reflect

the local tree species present in the locality and the landscape officer's advice.

i) Regular updates to the provision of bat crossings across hedgerow gaps to reflect the outcomes of the Bat Monitoring Strategy.

The development shall be implemented in accordance with the approved BEP and shall be retained in that manner thereafter.

*Reason: To enhance Protected and Priority Species/habitats and allow the MPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

17.A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Mineral Planning Authority prior to the commencement of Phase 2 as shown on drawing ref W328-00062-03-D Proposed Working Plan dated 21/08/19, for the management, care and afteruse of the development for a period of 25 years, commencing the day after completion of each phase.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed as updated by Condition 16.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.
- i) Management of Mature and Veteran trees including retention of dead wood where appropriate;
- j) A grazing management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN6, EN6a and EN6b.*

18. No development shall take place until an Arboricultural Method Statement including details of tree and hedgerow retention and protection has been submitted to and approved by the Minerals Planning Authority. The statement shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land, including the west boundary thicket of Holly and mature veteran Oak (T110) within the proposed access off the B1027 Brightlingsea Road/Colchester Main Road, together with measures for their protection, including a minimum 10m stand of between the centre of any existing hedge and the bund surrounding the extraction area in any phase. The statement shall include construction details and levels for the new access off the B1027 Brightlingsea Road/Colchester Main Road. The statement shall include proposals for the long term management of retained trees and hedgerows, including retention of dead wood. The approved details shall be implemented and maintained during the life of the development permitted.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.*

19. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall include details of areas to be planted, including a hedgerow along the eastern boundary prior to commencement of phase 3 and a scheme to enhance the ecological connectivity in the vicinity of Footpath 19 between Cockaynes Wood and the west of the application site prior to the removal of hedgerows in Phase 2, with revised species, sizes, spacing, protection (avoiding use of plastic accessories where possible), methods for encouraging natural regeneration and programme of implementation, including timing of advanced planting. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall also include precise details of the locations and extent of hedgerow removal for access between phases. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

*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 Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.*

20. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Minerals Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.*

21. No development of the Plant Site, as indicated on drawing W328-00062-06-B dated 29/07/19, shall take place until full details, elevations and cross sections of the design, layout, and heights of the plant, weighbridge, office and welfare facilities have been submitted to and approved in writing by the Minerals Planning Authority. The development shall take place in accordance with the approved details.

Reason: *In the interests of local amenity and for compliance with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.*

22. No site offices or welfare facilities, as approved under Condition 21, shall be erected until full details of the method of discharge and treatment of foul sewage have been submitted to and approved in writing by the Mineral Planning Authority. The development shall take place thereafter in accordance with the approved details.

Reason: *To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policy DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM23 and COM31a.*

23. No soil stripping or mineral extraction shall take place unless a Restoration Phasing Plan, based on the drawing ref W328-00062-03-D dated 21/08/19, has been submitted to and approved in writing by the Minerals Planning Authority. The Plan shall include precise sequencing of each phase of site preparation (including timing of removal of hedgerows between phases), soil stripping, mineral extraction, waste deposition and restoration. The Plan shall provide for no more than 3 phases to be open at any one time and for full restoration of the previous phase to take place prior to commencement of the next phase. The development shall thereafter take place in accordance with the approved details.

Reason: *To ensure progressive restoration of the site in the interests of amenity and the environment and for compliance with Minerals Local Plan*

*Policies S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.*

24. The output/throughput of mineral from the site shall not exceed 200,000 tonnes per annum.

*Reason: To minimise the harm to the environment and to comply with Minerals Local Plan Policies S10 and DM1 and Tendring District Local Plan Policy QL11.*

25. From the date of this permission the operators shall maintain records of their monthly throughput and shall make them available to the Minerals Planning Authority within 14 days, upon request.

*Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with Minerals Local Plan Policies S10, S11 and DM1 and Tendring District Local Plan Policy QL11.*

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

*Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

27. Details of the amount of waste or restoration material deposited and remaining void space at the site shall be submitted to the Minerals and Waste Planning Authority for the period 1 January to 31 December each year. Such details shall specify:

1. The type of waste or restoration material deposited at the site during the year;
2. The quantity and type of waste or restoration material deposited at the site during the year in tonnes;
3. The volume in cubic metres (m<sup>3</sup>) of the remaining void space at 31 December.

The details shall be submitted to the Minerals and Waste Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

*Reason: To allow the Minerals and Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to comply with Minerals Local Plan Policies S10, S11, S12 and DM1, Waste Local Plan*

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*Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, EN1 and TR1a.*

28. No development (except the construction of the access road itself) shall take place until construction of the highway improvements and the proposed site access road, as shown on drawing ref. 15010-03 Rev B: Proposed Right Turn Lane dated Aug19 have been completed.

Reason: *In the interest of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.*

29. The first 30m of the access road from the junction with the B1027 Brightlingsea Road/Colchester Main Road shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

Reason: *In the interest of highway safety, to prevent material being taken onto the public highway and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

30. No development shall take place until the details of wheel and underside chassis cleaning facilities, as shown in principle on drawing ref W328-00062-06-D dated 22/08/19, have been submitted to and approved in writing by the Minerals Planning Authority. The approved facilities shall be installed in accordance with the approved details and implemented and maintained for the duration of the development hereby permitted. Without prejudice to the foregoing, no commercial vehicle shall leave the site unless the wheels and the underside chassis are clean to prevent materials, including mud and debris, being deposited on the public highway.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

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

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

32. No vehicle shall cross Footpath 24 until signs have been erected on both sides of the haul route/site access road at the point where Footpath 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development

hereby permitted.

*Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.*

33. Prior to completion of Phase 6 (as shown on drawing W328-00062-10-D dated 21/10/19), a scheme for the provision of the permissive footpath link between Footpaths 20 and 24, as shown on drawing ref W328-00062-12-D dated 21/10/19, shall be submitted to the Minerals Planning Authority for its approval in writing. The scheme shall include details of the layout and construction of the permissive footpath link to a standard agreed by Essex County Council. The development shall be implemented in accordance with the approved details.

*Reason: In the interests of public amenity and to comply with Minerals Local Plan Policies P1 and DM1, Waste Local Plan Policies Policy 10 and Tendring District Local Plan Policy TR4.*

34. No winning or working of mineral or importation of waste shall take place until details of a sign(s), advising drivers of vehicle routes to be taken upon exiting the site, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details with the sign(s) being erected and thereafter maintained at the site exit for the duration of the development hereby permitted.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.*

35. No winning or working of minerals or importation of waste or other restoration material shall take place until the road junction with the B1027 Brightlingsea Road/Colchester Main Road has been provided with a clear to ground visibility splay with dimensions of 4.5 metres x 160 metres as measured from and along the nearside edge of the carriageway. Such sight splays shall be provided before the junction is first used by vehicular traffic and retained free of any obstruction at all times for the duration of the development hereby permitted.

*Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11, TR1a and TR9.*

36. No unbound material shall be used in the surface finish of the site access road within 30 metres of its junction with the public highway.

*Reason: In the interests of highway safety and to comply with Minerals Local*

*Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

*Reason: In the interests of highway safety and to comply with Minerals Local Plan Policies S10, S11 and DM1, Waste Local Plan Policies Policy 10 and Policy 12 and Tendring District Local Plan Policies QL11 and TR1a.*

38. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties adjoining the site shall not exceed the following:

- Keelars Farm – 55dB LAeq 1hr
- Sunnymead Farm - 45dB LAeq 1hr
- Furzedown Farm – 45dB LAeq 1hr
- Englishes Farm/Rosedene – 54dB LAeq 1hr
- Alresford (B1027) – 54dB LAeq 1hr
- White Lodge, Cockaynes Lane 45 dB LAeq 1hr

For the avoidance of doubt, these noise limits are applicable to the cumulative noise levels from operations permitted by ref ESS/43/19/TEN together with the development hereby permitted.

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

*Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

39. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70 dB LAeq 1hr.

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

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration.

Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of a temporary operation, together with confirmation of the duration of the proposed temporary operation.



Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Minerals Planning Authority in advance of such a temporary activity taking place.

*Reason: In the interests of amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

40. No development shall take place until a scheme, for monitoring noise levels arising from the site, has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall provide for:

- a) Attended measurements by a competent person of  $L_{Aeq}$  5 minute noise levels over 1 hour at each of the monitoring locations identified in Condition 38. Measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Mineral Planning Authority, except at Furzedown, which shall be monitored at monthly intervals during excavation and infill operations of Phase 2 and at three monthly intervals during all other Phases, unless otherwise agreed in writing by the Minerals Planning Authority, for the duration of the operation of the development hereby permitted;
- b) Provision for noise monitoring during temporary operations, described in Condition 39, at least once in every temporary operations period;
- c) Details of equipment and calibration proposed to be used for monitoring;
- d) Details of noise monitoring staff qualifications and experience;
- e) Monitoring during typical working hours with the main items of plant and machinery in operation;
- f) The logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'paused out' extraneous noise events;
- g) Complaints procedures;
- h) Actions/measures to be taken in the event of an exceedance of the noise limits set out in Condition 38;
- i) Procedures for characterising extraneous versus site attributable noise if required;
- j) Monitoring results to be forwarded to the Mineral Planning Authority within 14 days of measurement

*Reason: In the interests of amenity, to enable the effects of the development to be adequately monitored during the course of the operations and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

41. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with broadband noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

*Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

42. All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

43. Prior to commencement of soil stripping in Phase 2, an on-site noise survey shall be undertaken to determine the sound power levels of all the plant and machinery to be used in that phase, including the excavator and dozer, using a methodology based on BS EN ISO 3740:2019 and agreed in advance in writing with the Minerals Planning Authority. The results of the noise survey shall be submitted to the Minerals Planning Authority within 1 week of the date of monitoring for its approval in writing prior to the commencement of soil stripping in Phase 2.

Further on-site noise surveys shall be undertaken to determine the sound power levels of all the plant and machinery to be used in all later phases and the results shall be submitted to the Minerals Planning Authority for its approval in writing prior to the commencement of soil stripping in each phase.

The development shall take place in accordance with the approved details.

*Reason: In the interests of local amenity and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

44. No materials shall be stockpiled or stored at a height greater than 8.5 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference plan W328-00062-05-D: Area North of Plant Site dated 22/08/19.

*Reason: To minimise the visual impact of the development, in the interests of visual amenity and to comply with Minerals Local Plan Policies S10, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN1.*

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

are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed.

Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area and ecology and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM21, EN6 and EN6a.*

- 46.No excavation shall take place any closer to the boundary of the planning permission area than that shown on drawing reference W328-00062-03-D: Proposed Working Plan dated 21/08/19.

*Reason: To ensure that the development is contained within its permitted boundaries, in the interests of residential amenity, to ensure the stability of the land and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

- 47.No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall:

- a) Be submitted at least 3 months prior to the expected commencement of soil stripping;
- b) Clearly identify the origin, intermediate and final locations of soils for use in agricultural restoration together with details of quantities, depths and areas involved.

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

*Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

- 48.No development shall take place until a scheme of machine movements for the stripping and replacement of soils has been submitted to and approved in writing by the Minerals Planning Authority. The scheme shall define the type of machinery to be used and all the machine movements shall be restricted to those approved.

*Reason: To minimise structural damage and compaction of the soil, to aid in the final restoration works and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

49. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 47 of this planning permission.

*Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

50. No stripping of soils shall take place until details for the forming, planting, height and maintenance of soil bunds to the site, as well as maintenance of the land to the rear of the bunds including proposals for litter picking in those areas, have been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Minerals Local Plan Policies S10, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM22.*

51. All topsoil, subsoil and soil making material shall be retained on the site and used in the restoration scheme as indicated on drawing ref W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

*Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

52. No soil stripping shall take place unless a plan, showing the location, contours and volumes of the bunds and identifying the soil types and units contained therein, has been submitted to and approved in writing by the Minerals Planning Authority. The development shall be implemented in accordance with the approved plan.

*Reason: To minimise structural damage and compaction of soils, aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

53. No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition<sup>1</sup> and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise approved in writing by the Minerals Planning Authority.
- (b) When the upper [300] mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

*Note<sup>1</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

*Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

54. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the intention to start stripping soils from any part of the site or new phase of working.

*Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

55. The applicant shall notify the Minerals Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase, to allow a site inspection to take place.

*Reason: To allow the Minerals Planning Authority to monitor progress at the site, to minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

56. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:

- a) Not exceed 3 metres in height in the case of topsoil, or exceed 5

- metres in height in the case of subsoils and overburden;
- b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) Not be subsequently moved or added to until required for restoration;
- d) Have a minimum 3.0 metre standoff, undisturbed around each storage mound;
- e) Comprise topsoil's on like-texture topsoil's and like-texture subsoil's;
- f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Minerals Planning Authority.

*Reason: To minimise structural damage and compaction of the soil, to aid the final restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

57. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

*Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

58. The uppermost 1 metre of imported restoration materials shall be free from any large solid objects and shall be both graded with the final tipping levels hereby approved and ripped using appropriate machinery to a minimum depth of 600mm. The waste shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence. The finished surface shall be left free from rubble and stones greater than 100mm in diameter which would otherwise hinder cultivation.

*Reason: To ensure the site is properly restored and in compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

59. Within 3 months of the completion of soils handling operations in any calendar year, an Annual Soils Management Audit shall be submitted to the Minerals Planning Authority for its approval in writing. The Annual Soils Management Audit shall include:

- a) the area stripped of topsoil and subsoil;
- b) the location of each soil storage mound;
- c) the quantity and nature of material within the mounds

together with details of the type of plant used to strip/store those materials;

d) those areas from which it is proposed to strip soils in the following year; and

e) details of the forthcoming year's soil replacement programme including proposed restored soil profiles.

The development shall thereafter be implemented in accordance with the approved Audit.

*Reason: To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

60. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Minerals Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

61. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 60. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

*Reason: To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

62. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 61.

*Reason: To enable the preservation (by record) of any archaeological remains and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

63. Unless otherwise agreed in advance in writing by the Minerals Planning Authority, within 12 months of the completion of archaeological fieldwork, the

applicant shall submit to the Minerals Planning Authority a post-excavation assessment. 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 disseminate the information from the archaeological investigation and to comply with Minerals Local Plan Policies S10, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and EN29.*

64. Any fuel, lubricant or/and chemical storage vessel (whether temporary or not) shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with Minerals Local Plan Policies S10 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11 and COM23.*

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

*Reason: To ensure the restored land is agriculturally versatile and that amenity use is not impeded and to comply with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN4, EN6, EN6a and EN6b.*

66. Final landform and surface restoration levels shall accord with the landform and final contour levels shown on drawing reference W328-00062-12-D: Proposed Restoration Scheme dated 21/10/19.

*Reason: To ensure proper restoration of the site and compliance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN4, EN6, EN6a and EN6b.*

67. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural, amenity and habitat use shall be submitted to and approved in writing by the Minerals Planning Authority prior to commencement of restoration works/infilling/the placement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.



- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Minerals Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

*Reason: To ensure the satisfactory restoration of the site for agricultural, amenity and habitat use and in accordance with Minerals Local Plan Policies S10, S12, P1 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, EN1, EN6, EN6a and EN6b.*

68. No minerals or aggregates shall be imported to the site and only aggregate from the application site shall be processed.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development, not assessed in the application details, and to comply with Minerals Local Plan Policies S10, S11, P1, DM1 and DM3, Waste Local Plan Policies 10 and 12 and Tendring District Local Plan Policies QL11, COM22, COM23 and TR1a.*

69. No extraction shall take place below the limits shown on drawing ref W328-00062-13-D Cross Sections dated 21/10/19.

*Reason: To protect amenity and the environment and to comply with Minerals Local Plan Policies S1, S10, S12 and DM1, Waste Local Plan Policy 10 and Tendring District Local Plan Policy QL11.*

70. Notwithstanding the provisions 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 building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for movement of materials), except as detailed in the scheme approved under Condition 21, shall be erected, extended, installed or replaced on the site without the prior approval of the Minerals Planning Authority.

*Reason: To enable the Minerals Planning Authority to adequately control the development, to minimise its impact on the amenity of the local area, to minimise the impact upon the landscape and to comply with Minerals Local Plan Policies S10, S12, P1, DM1 and DM3, Waste Local Plan Policy 10 and Tendring District Local Plan Policies QL11, COM22 and EN1.*

## 7 Dollymans Farm Update

The Committee considered report DR/36/19 by the Chief Planning Officer.

It was noted that the original application had been approved by the Development and Regulation Committee in May 2019, subject to certain conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), requiring a financial guarantee to secure the removal of the recycling facility and restoration of the site. There was a requirement for this legal agreement to be finalised within six months of the resolution; but this had not yet happened. Consequently, the applicant was requesting a six-month extension from the original 24 November deadline.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of nine in favour (Cllr Hillier not voting), it was

### Resolved

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

planning permission be granted subject to the following conditions:

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

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

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 6, 9, 10, 11, 12 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1, ENV1, ENV3,*

*EN4, ENV5, T1 and T2 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM25, DM26, DM27, DM28, DM29 and DM31 of the Rochford District Council Development Management Plan (2014); policies BAS GB1, BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies SD1, SD4, T1, T2, T3, T6, T7, H12, DES1, GB1, GB2, GB3, GB11, CC1, CC2, CC4, NE4, NE5, NE6, HE1, HE3 and HE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shall seek to ensure no vehicular traffic arrives from and/or departs towards the A127 (Southend Road).

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

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

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

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

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

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

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

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

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

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

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

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

East of Cottages, Doublegate Lane: 55dB LAeq, 1hr  
West of Dollymans Farm: 55dB LAeq, 1hr  
Wethersfield Way, Wickford: 55dB LAeq, 1hr  
Bershedda, north of A127: 55dB LAeq, 1hr

Electricity sub-station entrance, A129: 55dB LAeq, 1hr

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

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

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

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

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

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

Authority for consideration and approval in writing prior to further development or preliminary groundworks taking place.

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

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

- The parking of vehicles of site operatives and visitors during initial site set up;
- Areas proposed for the initial loading and unloading of plant and materials;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- The proposed construction of the access road to the site from Doublegate Lane;
- The exact location and specification of the wheel and underbody vehicle washing facilities proposed;
- The exact location and specification of the weighbridge, office; parking area and gating/fencing proposed on/adjacent to the access road;
- Safeguarding measures with regard to works immediately adjacent to the Kynoch WWI memorial (along the southern boundary of the site) including but not limited to protection measures and working practices proposed; and
- Statement of consideration of operational development issues raised within Network Rail's consultation response, dated 08/10/2018

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

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



2014-2034 (2018).

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

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

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

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

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

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26 and DM27 of the Rochford District*

*Council Development Management Plan (2014); policies BAS C1, BAS C5 and, BAS C13 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE5 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

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

23. No development shall take place until:

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

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

*Reason: On the basis that it is considered that amendments to the proposed ground level of the plant site and, and/or the provision of bunding could further offset impact, for the avoidance of doubt as to the layout and machinery/plant approved to be used, in the interests of amenity and to comply with policies 3, 6, 9, 10 and 13 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies GB1 and ENV1 of the Rochford District Council Core Strategy (2011);*

*policies DM1 and DM26 of the Rochford District Council Development Management Plan (2014); policies BAS GB1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB1, GB3, GB11, NE5 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

24. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels and proposed hours of operation. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: *To minimise nuisance and disturbance to the surrounding area and environment and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1, DM5 and DM27 of the Rochford District Council Development Management Plan (2014); policies BAS C1 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies NE4 and NE6 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

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

26. No material/waste shall be accepted or deposited until details of the proposed base level on which landfilling will occur has been submitted to and approved in writing by the Waste Planning Authority. The details submitted shall be based on the land levels shown on drawing 'Current Situation', drawing no.

M17.149.D.003, dated April 2018 existing, but include/make allowances for any proposed prior stripping of soil and/or any provision for side and basal liners for the landfill area, as may be required or proposed. The development shall be undertaken in accordance with the approved scheme.

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

27. No stripping or handling of material/waste shall take place until a scheme of machine and material movements for the stripping of the existing restoration surface (if proposed) and infill has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:

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

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

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

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

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

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

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

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

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

*Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy 10 of the*

*Essex and Southend-on-Sea Waste Local Plan (2017); policies ENV1, ENV3 and ENV4 of the Rochford District Council Core Strategy (2011); policies DM1, DM25, DM26, DM27 and DM28 of the Rochford District Council Development Management Plan (2014); policies BAS C1, BAS C5, BAS C13 and BAS BE12 of the Basildon District Local Plan (Saved Policies) (2007); and policies GB11, CC2, CC4, NE4, NE5, HE1 and HE3 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

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

32. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be based on that suggested within the submitted 'Hydrological & Hydrogeological Risk Assessment' and shown on drawing 'Concept Restoration', drawing no. M.17.149.D.009, dated April 2018, but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
  - If infiltration is proven to be unviable then discharge rates are to be limited to 45.61l/s for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - Final modelling and calculations for all areas of the drainage system.
  - Demonstration that storage can half empty within 24 hours wherever possible. If the storage required to achieve a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
  - A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
  - Detailed engineering drawings (including cross sections) of each component of the drainage scheme.
  - Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording (yearly logs) for work undertaken. The plan shall furthermore confirm that all pipes within the extent of the site, which will

be used to convey surface water, shall be initially inspected, cleared of any blockage and in fully working order.

- A written report summarising the final strategy and highlighting changes made from that suggested at the application stage.

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

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

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

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

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

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

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

*Reason: To allow the Essex County Council to discharge its duties under the NERC Act 2006, to make appropriate provision for conserving and enhancing the natural environment t, in the interests of biodiversity and to comply with*

*policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM27 of the Rochford District Council Development Management Plan (2014); policy BAS C1, of the Basildon District Local Plan (Saved Policies) (2007); and policy NE4 of the Basildon Borough Revised Publication Local Plan 2014-2034 (2018).*

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

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

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

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

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



from the site.

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

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

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

## **8 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/37/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

## **9 Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 13 December 2019, in Committee Room 1, County Hall. It was possible this might be cancelled – Members would be circulated nearer the date.

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One Member raised concerns about the timing of the publication of application details. His concern was that Members needed to be made aware of school applications much earlier than a week or so before the meeting; otherwise, Members could feel constrained by construction deadlines, so they were unable to make a decision that accurately reflected their views.

The Chairman added that the allocation of sites for schools by Districts made the situation more difficult.

The Chief Planning Officer acknowledged the concerns Members had expressed on this matter at past meetings and he confirmed that he had spoken to a wider group of

officers about this, such as the local planning team and infrastructure team. Consequently he was about to embark on a piece of work relating to all school development. The intention was to make sure that any school applications went through all the appropriate channels before coming to the Committee for a decision.

There being no further business, the meeting closed at 11:48 am

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**Chairman**

**Report to:** DEVELOPMENT & REGULATION (24 January 2020)

**MINERALS AND WASTE DEVELOPMENT - ENFORCEMENT OF PLANNING CONTROL AND LEGAL AGREEMENT UPDATE**

**Proposal:** Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility

**Ref:** ESS/49/14/BAS

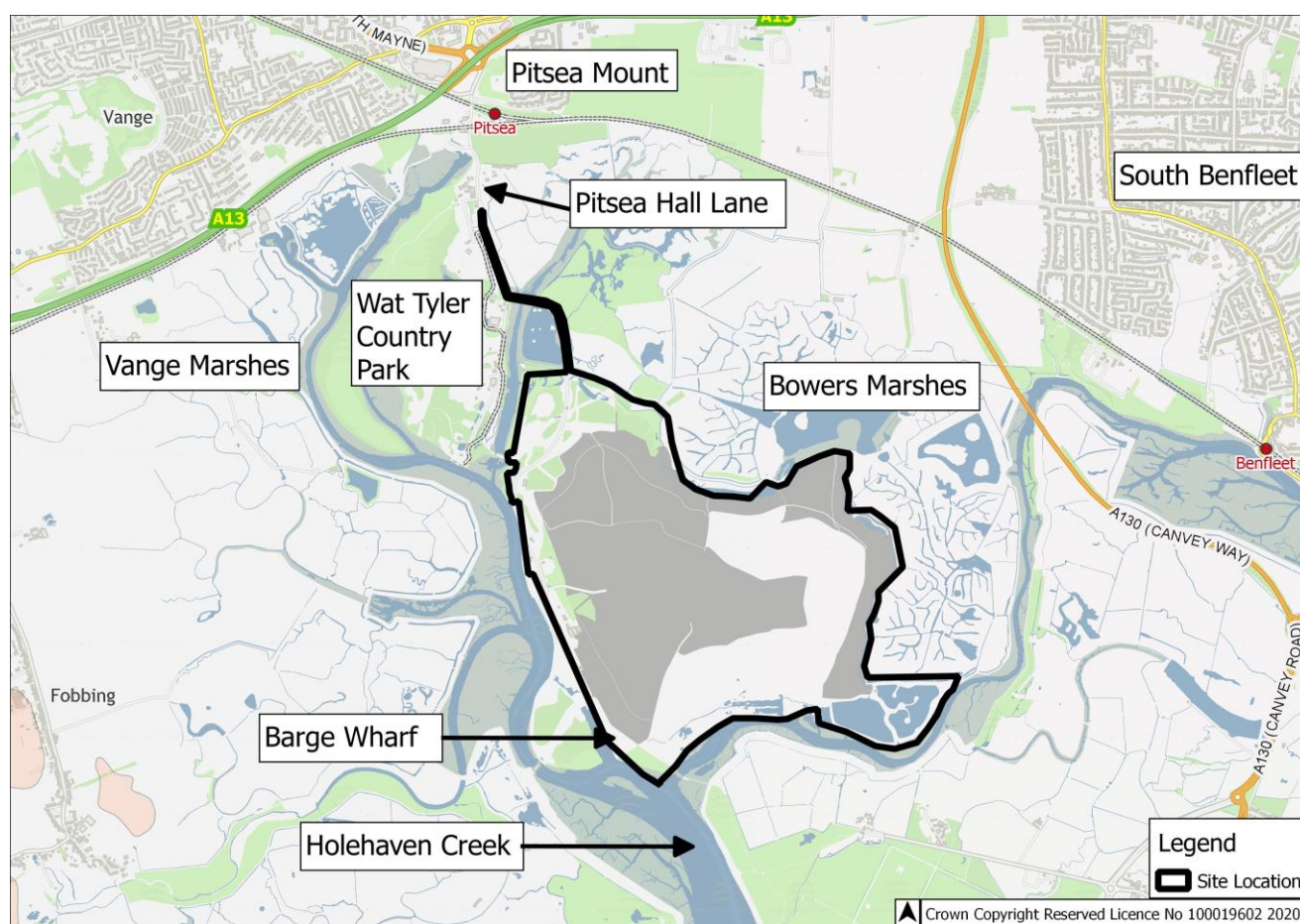
**Applicant:** Veolia ES Landfill Ltd

**Location:** Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH

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

**Enquiries to:** Claire Tomalin Tel: 03330136821

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



## 1. BACKGROUND

Pitsea Landfill has a long history the site having started in the early 1900s. The planning history starts in the 1930s and there have been a number of planning applications associated with the landfill site which have sort to ensure a satisfactory restoration of the site and appropriate manage of landfill gas and leachate. The last planning permission for the landfill site was granted in December 2007 and required landfilling to be completed by December 2015 and restoration of the site by December 2017 to a nature conservation afteruse with public access.

There have been other planning permissions for associated development including, an in-vessel composting facility(now ceased), food waste transfer (now ceased), windrow composting (on-going) and electricity generation from landfill gas (on-going).

The current application in relation to the landfill was made in 2014 and seeks to extend the life of the site until 2023 with restoration to be completed in 2025. The additional time was required as a result of an anticipated slowdown in waste inputs to the site, partly due to much local authority waste from Essex being sent to the MBT facility at Tovi Eco Park, rather than to landfill.

The 2014 application was reported to the Development & Regulation Committee in September 2015, the Committee Report is attached at Appendix 1 and at that time it was resolved to be granted subject to conditions and a legal agreement. Many of the legal obligations carried forward obligations of the previous legal agreement associated with the 2007 permission.

The list of obligations as resolved to be granted in 2015 are set out below:

- A. The prior completion of a legal agreement between the RSPB & Veolia for long-term management of the site upon completion of the aftercare period. And that ECC is satisfied that the agreement adequately provides for:
  - the lease of the site by the RSPB,
  - management of the site by the RSPB for nature conservation and public open space, for a period in excess of 130 years
  - and adequate funding mechanisms are in place to ensure the proposed management is deliverable by the RSPB.
- B. AND the prior completion, by the 31 December 2015, of Legal Agreements under the Planning and Highways Acts to secure the following obligations:

### New obligations

- Veolia participation in the Pitsea Barge Impact Group, and implementation of agreed operational practices and funding of monitoring while barges importing material to the site
- Management of restored areas for the benefit of nature conservation in accordance with an agreed scheme of management until completion of

aftercare period on the last phase or until the RSPB take over management whichever is the sooner.

- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.

Existing obligations & amended existing obligations of the 2007 legal agreement

- The total number of all HGV movements Monday to Saturday shall not exceed 1100 movements (550 in 550 out) with 100 movements. In addition 100 HGV movements on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.
- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
- No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
- Management of the nature conservation areas by the RSPB until 9 March 2159.
- Provision for release of the site for informal recreation and nature conservation uses upon completion of restoration and aftercare
- To provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes
- Provide for a liaison group for the life of the site
- The developer to provide at no cost to the County Council a pedestrian bridge over the railway line on Pitsea Hall Lane. Time period for provision of the bridge extended to 31 August 2017. A maintenance sum to be paid with respect to the bridge and funding mechanisms to be put in place to reimburse costs incurred by ECC in assisting with securing the necessary approvals/authorisation from Network Rail for the pedestrian bridge.
- Submission and compliance with Management Plans for the restored areas and for land on the perimeter of the phases until completion of the aftercare period on the last phase.
- Submission and compliance with Management Plans for the Fobbing Horse Area
- Upon completion of the restoration not to use the Site other than for, aftercare, nature conservation, public open space for informal creation, agriculture necessary for aftercare and nature conservation and willow coppicing

- The southern wharf shall only be used for the importation of restoration and engineering materials.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access to Wat Tyler Country Park via the Old Redland Road.
- Provision of 15 hectares for 50 years for cultivation of biofuel
- Provision of drying and storage for harvested biofuels
- That the agreement supersedes all previous legal agreements

The resolution also included imposition of conditions of the previous permission updated as appropriate.

## **2. SITE**

Pitsea Landfill is located southeast of Pitsea in Basildon District. The landfill site comprises the south-western quadrant of Bowers Marshes, a former salt marsh within a tract of marshland extending from Stanford-le-Hope to Hadleigh on the northern reaches of the Thames estuary. The landscape is predominantly low lying at approximately 2 metres Above Ordnance Datum (AOD) and is dissected by a network of watercourses. Holehaven Creek is to the south with Vange Creek to the west.

Nearby settlements include Pitsea (2km) and Basildon to the north, Canvey Island (1.5km) to the south east, Fobbing/Corringham (2.5km in Thurrock) to the west and South Benfleet (1.5m) to the north east. Thames Enterprise Park and DP World are located to the south (1.5km in Thurrock). The nearest residential property is on Canvey Island at Northwick which is 500m from the site, but approximately 800m from the landfill.

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife. The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

Access to the site is via Pitsea Hall Lane is a no through road, which runs south from the A132 junction with the A13. Pitsea Hall Lane also provides access to Wat Tyler Country Park. The dedicated concrete site access road, approximately 1km

in length, runs from the end of Pitsea Hall Lane and enters the site at its north-west boundary, running primarily along the western edge of the facility. The access road is also designated as an escape route in the event of an emergency on Canvey Island.

The majority of existing buildings within the site are located alongside this road. These include the gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility, storage buildings, generator compound producing electricity from landfill gas, workshops and associated fixed plant.

### **3. UPDATE OF POSITION**

The landfill has continued to operate since the Committee resolution in 2015 in accordance in principle with the conditions of the 2007 planning permission.

Since 2015, inputs to Pitsea Landfill have not reduced as originally anticipated and landfilling of non-hazardous waste ceased in December 2018, although inert waste imported by barge and lorry continues to be imported to the site to provide the necessary materials for restoration of the site. Capping and restoration works have and will continue. Decommissioning of supporting infrastructure has also commenced.

The legal agreement has not been completed with respect to the application ESS/49/14/BAS and thus the planning permission allowing the site to operate beyond 31 December 2015 has not been issued.

The intention had been that the RSPB and Veolia would have a separate legal agreement giving responsibility to the RSPB for the long-term management of the nature conservation afteruse of the restored landfill site. The WPA were to be provided a copy to ensure the necessary mechanisms were in place to achieve the long-term nature conservation and restoration goals. This agreement has not been completed and it is understood that the RSPB no longer wish to undertake the management of the site, due to changes in the financial position of the RSPB.

In addition, the original legal agreement from 2007 secured an offer from Veolia to provide a pedestrian bridge across the railway line on Pitsea Hall Lane. Veolia and its agents have been trying to secure the delivery of this bridge, but its delivery has proved particularly difficult to achieve due to the requirements/authorisations of Network Rail. Veolia advised the WPA in September 2019 that having expended considerable resources trying to deliver the pedestrian bridge with little progress having been made, that Veolia no longer wish to provide the bridge.

Veolia are exploring different options with respect to partners for the long-term management of the site and also alternative benefits that they could be provided to the community as an alternative to the pedestrian bridge. Such alternatives would need to be submitted as revisions to the current outstanding application.

### **4. ENFORCEMENT OF PLANNING CONTROL**

As explained above, landfilling of non-hazardous waste has continued since 31

December 2015, in breach of planning control. Site Monitoring visits have been undertaken on a quarterly basis and operation of the site and its capping and restoration have been undertaken in accordance with the principles of the planning permission issued in 2007.

There have been no complaints associated with the landfilling and restoration operations, although concern has been raised by residents and Members of Local Councils and the Local MP at the lack of progress with respect to the delivery of the pedestrian rail bridge.

Enforcement protocol: The County Council's Local Enforcement and Site Monitoring Plan sets out principles and procedures for enforcement action relating to unlawful development. Enforcement is a discretionary power as the Town and Country Planning Act 1990 (as amended) which does not impose a general duty to ensure compliance with planning control.

The National Planning Policy Framework (The Framework) states that '*effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so*'.

In considering any enforcement action, the WPA is required to act proportionately, which involves assessing whether a breach of control would unacceptably affect public amenity or the existing use of land meriting protection in the public interest.

In accordance with the authority's Local Enforcement and Site Monitoring Plan (the plan) a harm assessment was carried out following the last visit to the site (attached Appendix 2).

The procedure assesses the "harm" of that breach against a series of (scored) planning criteria. The level of harm warranting resource (score) is 6 and above. Where the cumulative score is 5 or under, it is generally not considered to be expedient to pursue the breach as the impact on public amenity and or interest will normally be negligible.

The level of harm in this case is registered as scoring 5. As explained there have been no complaints, the operator is fully aware of the breach and it is their intention to resolve the issues that are preventing completion of the legal agreement. It is anticipated revised proposals will be submitted in the near future, which will be subject to consultation prior to consideration by the Development & Regulation Committee in due course.

The continuation of the development without a valid planning permission in place is not ideal, but the restoration is being carried out in accordance with the application details and the draft planning conditions. The breach is not giving rise to any unacceptable impact on public amenity.



## **5. RECOMMENDED**

That, taking into account the results of harm assessment carried out on 20 December 2019, it is not considered expedient to take enforcement action at this time. However the situation will be reviewed within 6 months of the date of this report, should the applicant not have come forward with revised proposals that allow completion of a legal agreement and issuing of a planning permission to address the breach of planning control.

### **LOCAL MEMBER NOTIFICATION**

BASILDON – Pitsea

BASILDON - Westley Heights (within 250m)

CASTLE POINT - Canvey Island West (within 250m)

**DR/25/15**

committee DEVELOPMENT &amp; REGULATION

date 25 September 2015

**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility**

Location: **Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH**

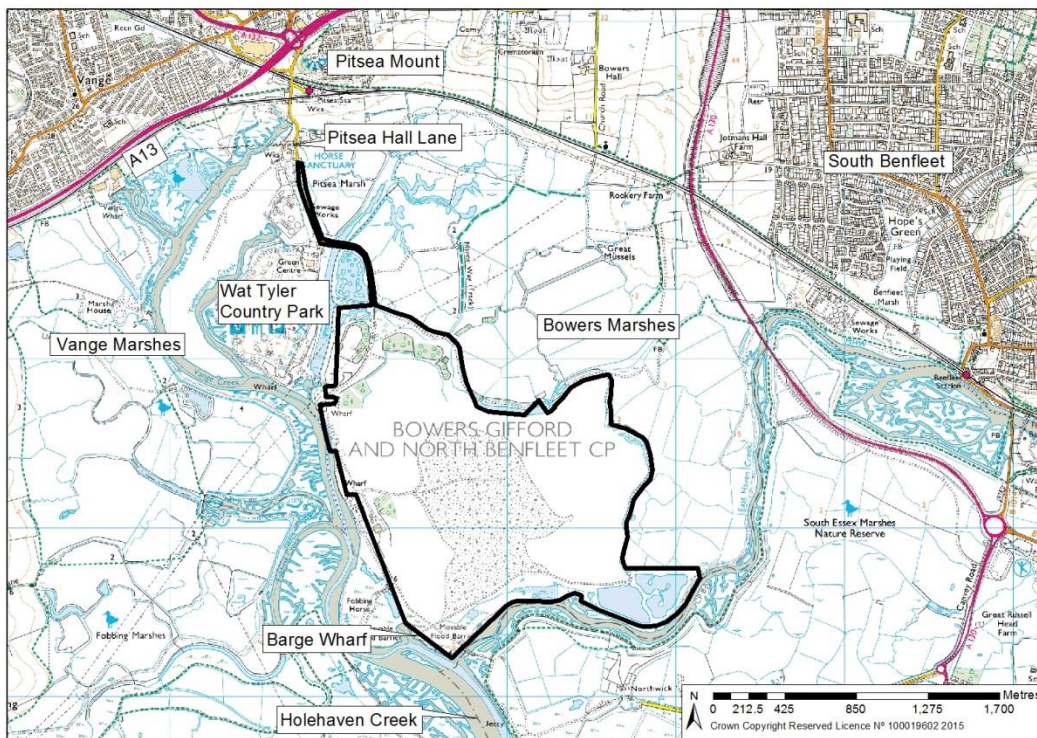
Ref: **ESS/49/14/BAS**

Applicant: **Veolia ES Landfill Ltd**

Report by Director of Operations, Environment and Economy

Enquiries to: Claire Tomalin Tel: 03330 136821

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



## 1. BACKGROUND

Waste has been disposed of at this existing landraising site since the early 1900s. The site is known as Pitsea Landfill although technically the operation is one of landraising as there was no prior creation of a void e.g. through mineral extraction. The site first came under planning control in 1934, and in 1986 planning permission was granted reducing the permitted disposal area from 426 hectares to 201 hectares, as part of a consolidating landraising proposal. A legal agreement was also entered into requiring a public open space afteruse.

In 1996 planning permission (ESS/51/96/BAS) was granted for the re-contouring of the site, the remodelling of the final landform to take into account a leachate recirculation, collection and storage system. Temporary planning permission was granted, waste imports were conditioned to cease by 31 December 2015, with final restoration to an amenity and nature conservation based afteruse by 31 December 2017.

In 2006 a further planning application (ESS/35/06/BAS) was made to revise the pre-settlement contours, but retained the original completion dates for infilling with completion by 2015 and restoration by 2017. The need for the revised levels arose from their being a greater rate of settlement than previously anticipated in the 1996 application; this was due to the mix of waste changing such that there was a higher proportion of biodegradable waste as more non-biodegradable material was being removed for recycling. The greater rate of settlement was leading to gentler slopes than required to ensure shedding of surface water as well as differential settlement causing uneven surface with potential for ponding of surface water. The consequence of these effects would have been difficulties in managing both leachate and landfill gas management. The maximum approved pre-settlement levels permitted were a maximum of 43m AOD, settling over time to 30m AOD.

The proposal in 2006 also included an on-site Mechanical Biological Treatment facility, but this was not developed. The planning permission for the revised profile was granted in 2007 subject to conditions and a legal agreement. The approved restoration was to a combination of nature conservation afteruses namely species rich grassland and chalk grassland, with also an area of short rotation coppice to provide bio-fuel for a generator at Wat Tyler Country Park. The existing legal agreement required Veolia to secure long-term management from a nature conservation body and this has subsequently been confirmed as the RSPB. The RSPB would take on management of the site, as soon as public access was possible; this is likely to be after the completion of restoration and the aftercare period. The RSPB would manage the site for nature conservation and as public open space for a period of nearly 130 years. Management would include the provision of visitor facilities, utilising the existing landfill site offices.

Also as part of the proposals in 2006 Veolia committed to provide a separate pedestrian bridge across the railway line at Pitsea. This was not required by the authority but offered by Veolia as a community benefit. The delivery of this bridge has been extremely problematic, particularly with respect to authorisations from Network Rail, but progress is being made and it is hoped that delivery of the bridge will be forthcoming in 2016/17.

Temporary planning permission (ESS/17/10/BAS) was sought in 2010 to allow early opening of the site in the mornings, while planning permission was granted the permission was not implemented and the landfill continues to operate under planning permission ESS/35/06/BAS.

The current planning application seeks to extend the life of the site, with landraising to be completed by 2025 and restoration completed by 2027 and aftercare completed in 2032. The pre and post settlement levels are not proposed to be amended and the nature of restoration is to remain the same as that permitted in 2007, one of bio-diversity with public access with the site managed by the RSPB.

In addition to the above permissions, there have been a number of other permissions associated with leachate management lagoons, a compound for the generation of electricity from landfill gas, an in-vessel composting facility treating green and food waste, a windrow composting facility for green waste and an inert waste recycling facility generating materials for capping and restoration of the site. Some of the inert waste material is imported by barge. Many of these permissions are tied to the life of the landraising operation and separate planning applications would need to be made to extend the life of these facilities, if they are to continue on site, subject to the current application being granted.

## **2. SITE**

Pitsea Landfill is located southeast of Pitsea in Basildon District. The landfill site comprises the south-western quadrant of Bowers Marshes, a former salt marsh within a tract of marshland extending from Stanford-le-Hope to Hadleigh on the northern reaches of the Thames estuary. The landscape is predominantly low lying at approximately 2 metres Above Ordnance Datum (AOD) and is dissected by a network of watercourses. Holehaven Creek is to the south with Vange Creek to the west.

Nearby settlements include Pitsea (2km) and Basildon to the north, Canvey Island (1.5km) to the south east, Fobbing/Corringham (2.5km in Thurrock) to the west and South Benfleet (1.5m) to the north east. Coryton refinery and DP World are located to the south (1.5km in Thurrock). The nearest residential properties are a single property on Pitsea Hall Lane adjacent to the site access to the landfill, however, this property is over 1km from the landfill itself. The next nearest property is on Canvey Island at Northwick which is 500m from the site, but approximately 800m from the landfill.

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has in the last 3 years been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife. The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet &

Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

Access to the site is via Pitsea Hall Lane is a no through road, which runs south from the A132 junction with the A13. Pitsea Hall Lane also provides access to Wat Tyler Country Park. The dedicated concrete site access road, approximately 1 km in length, runs from the end of Pitsea Hall Lane and enters the site at its north-west boundary, running primarily along the western edge of the facility. The access road is also designated as an escape route in the event of an emergency on Canvey Island.

The majority of existing buildings within the site are located alongside this road. These include the gatehouse, the site offices, an in-vessel composting facility and windrow composting facility, storage buildings, generator compound producing electricity from landfill gas, workshops and associated fixed plant.

### **3. PROPOSAL**

The proposal is to extend the life of the site for 10 years such that landfilling would be required to be completed by 31 December 2025, instead of 2015, and restoration completed by 31 December 2027, instead of 2017.

The need for the additional time has been justified by the applicant because the data used to calculate the completion in 2015 was based on data collected up to 2006 and since there have been a number of significant changes resulting in less waste going to landfill.

The landform permitted in 2007 ensured a profile that would shed water, even after settlement. To minimise the visual impact of the landfill, the landfill phasing was designed such that the outer phases were to be infilled and restored first, leaving the centre phases to be completed last. In this way the outer edges would screen landfilling operations in the centre. Landfilling in the outer phases has now been completed with only the south-west flank awaiting final restoration materials, but the centre phases remain incomplete.

The operator is now committed to completing the site as originally planned. To not fill the centre would result in surface water causing a large water body in the centre of site, which would cause continual problems with respect to management of surface water, landfill gas and leachate management. It would also lessen the effective after-use of the site for nature conservation and public access.

At the time of the application in 2006 a Mechanical Biological Treatment plant was also proposed as part of a bid by Cleanaway (then operator of the site) for Essex's local authority collected waste contract, which was unsuccessful. The application therefore seeks to confirm that the MBT element of the previously approved scheme would not be developed.

As at the time of preparation of the application (November 2014) the remaining available void space was approximately 3.5 million m<sup>3</sup> with approximately an additional 2 million m<sup>3</sup> of restoration materials required. The length of time needed

to infill the void has been based on landfill inputs dropping by 5% each year from 500,000m<sup>3</sup> in 2014 to 100,000m<sup>3</sup> in 2025.

The application also proposes that the site be allowed to continue to receive waste from outside of Essex, including Kent and London. Under the previous permission waste from Kent was due to cease to be imported in 2010 and waste arising in London reducing over the life of the site in accordance with the former Regional Spatial Strategy. The justification put forward by the applicant for waste to be sourced from outside Essex & Southend is to ensure satisfactory restoration as soon as possible enabling delivery of the nature conservation afteruses and public access to the site as soon as possible.

The pre-settlement and post settlement levels would be as previously permitted; the applicant has considered the change in nature of waste (less bio-degradable waste) over the years since the previous permission and settlement that has taken place to date and is of the view that the pre-settlement levels are still appropriate i.e. they do not need to be lowered. However, the applicant has proposed to review the nature of waste and settlement levels every two years, such that should circumstances change lower pre-settlement levels to achieve the post-settlement levels could be agreed on incomplete areas of the site.

No other elements of the proposal are proposed to be changed, namely the hours of operation would remain as follows:

07:00-18:30 hours Monday to Saturday  
08:00-16:00 hours Sundays and Public Holidays

The permitted number of HGV (greater than 3.5 tonnes) movements would remain as currently permitted:

1100 movements (550 in, 550 out) Monday to Saturday  
100 movements (50 in, 50 out) Sundays and Public Holidays

Upon completion the site would be managed by the RSPB for nature conservation and public open space for a period in excess of 130 years.

The application has been submitted supported by the original Environmental Statement submitted in 2006 update as appropriately, mainly with respect to highways and also ecological impacts, due to its proximity to both nationally and internationally designated sites. A review of the Environmental Statement is provided at Appendix 1.

#### **4. POLICIES**

The following policies of the Waste Local Plan adopted 2001 and Basildon District Local Plan Saved Policies 2007 provide the development plan framework for this application. The following policies are of relevance to this application:

	<b>WLP</b>	<b>BDLP</b>
Waste Strategy	W3A	

Non-inert void capacity to be reserved for non-inert waste	W3D	
Flood risk and surface water management	W4A	
Protecting ground and surface water	W4B	
Transport network/access	W4C	
Landfill on preferred sites to achieve restoration	W9A	
Site restoration	W10C	
Measures to control gas	W10D	
Development control criteria	W10E	
Hours of operation	W10F	
Green Belt		BAS GB1
Nature Conservation protected areas		BAS C1
Country Parks		BAS C2
The Marshes Areas		BAS C7

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

In respect of the above, paragraph 215 of the NPPF, which it is considered is applicable to the WLP and BLP, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The level of consistency of the policies contained within WLP is considered further in the report. Basildon Borough Council has produced its own conformity/compliance checklist with the NPPF and this is provided at Appendix 2.

With regard to updates/replacements or additions to the above, the NPPF (Annex 1, paragraph 216) states: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

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

The Replacement Waste Local Plan: Revised Preferred Approach (RWLP) was subject of consultation in July 2015. However, it is considered in context of paragraph 216 of the NPPF the RWLP is too early in its development to hold any significant weight in decision making as objections may be outstanding from consultation.

In June 2006 Basildon Borough Council resolved to withdraw the draft Replacement Local Plan and proceed with a Local Development Framework. In relation to this a Core Strategy Preferred Options Report was published in February 2012. A new Preferred Options Report was issued for consultation in 2014 (consultation ended 01 April 2014) and a Consultation Statement produced in September 2014. As the replacement Local Plan (now titled Basildon 2031 Local Plan) is still in its formation it is considered in context of paragraph 216 of the NPPF, that little weight can be applied to applicable policies, especially as objections may be outstanding from consultation.

## **5. CONSULTATIONS**

**BASILDON BOROUGH COUNCIL** – No objection. Disappointed at the delay in completion of the landfill but accepts the justification for the additional time is warranted to achieve the proposed restoration. It is hoped that the calculations as to the likely timescale are accurate and that a further extension would not be required.

In view of the impact of the proposals on the community particularly HGV movements and the resulting noise and disturbance, the authority would wish to see as part of the application this off-set by a contribution to improving the public realm along Pitsea Hall Lane and adjoining Wat Tyler Country Park

Comment: The applicant has already committed to provide a pedestrian bridge at Pitsea improving pedestrian access along Pitsea Hall Lane. The applicant has stated that projects can seek funding from The Environmental Fund which utilises landfill tax to provide community benefits.

**CASTLE POINT DISTRICT COUNCIL** (adjacent authority): No objection.

**THURROCK COUNCIL** (adjacent authority): No comments received.

**ENVIRONMENT AGENCY** – No objection. The original application to amend the profiles of the landfill was supported in order to ensure a profile that would shed water and improve the landfill gas and leachate management. A landform that does not shed water would lead to difficulties managing landfill gas and leachate. The planning application provides very little information as to how leachate and landfill gas would be managed over the extended period, these are matters addressed by the Environmental Permit and a variation to the EP would be required and would need to address these issues.

The application states the nature of the waste is likely to change in the future with a lower proportion of degradable waste. A review of the model previously used to predict settlement would currently appear to show pre-settlement levels remain acceptable. The applicant proposes to review each 2 years to check the model is still appropriate and this approach would seem appropriate and acceptable.

**HIGHWAYS AGENCY:** No objection

**PORT OF LONDON AUTHORITY:** No objection



NATIONAL PLANNING CASEWORK UNIT: No comments to make

CPRE: No comments received

NATURAL ENGLAND: No objection. Raise the following comments:

- Concern as to the continued use of the wharf and the impact of barges on the Holehaven Creek SSSI and Thames Estuary and Marshes SPA, particularly the nationally and internationally important populations of black-tailed godwit. The existing number of barge movements should be seen as a maximum and the existing monitoring and operational management plan co-ordinated by the Barge Impact Study Group should continue for the life of the development.
- Disappointment at the 10 year delay in the delivery of the wildlife habitats which would complement and contribute to the nature conservation quality of the wider area
- The creation of the Bowers Marsh RSPB and concern as to the impacts of the landfill by attracting gulls and foxes which predate and displace bird species, reducing expected breeding rates on the marshes, which might have been expected if the landfill had been completed. Therefore additional measures are considered necessary to reduce the impact of predation through gull management and fox exclusion fencing with an on-going monitoring programme to monitor its effectiveness and if necessary provision for additional measures.
- Disappointment at the delay in public access to the site and that phased release of access to the site is not considered possible and would wish there to be planning controls to ensure the restoration as permitted is delivered in total in a timely manner to ensure delivery of the legacy.
- Natural England will continue to be a partner in the Pitsea Liaison Group.

RSPB: No objection: Subject to compliance and implementation of the “Predator monitoring and management plan for Pitsea Landfill and Bowers Marsh” dated 16 September 2015. This management considered necessary to minimise impact upon breeding rates on adjacent nature conservation areas, including the recently created Bowers Marsh RSPB Reserve.

ESSEX WILDLIFE TRUST – No comments received

ENGLISH HERITAGE: Should be determined in accordance with national and local planning policy and on the basis of your specialist conservation advice.

HIGHWAY AUTHORITY – No objection subject to existing conditions and legal obligations with respect to highway matters being carried forward.

FIRE AUTHORITY: No objection, access for fire service is considered satisfactory

NETWORK RAIL: No objection

PITSEA MOUNT RESIDENTS ASSOCIATION: Object on the following grounds:

- Timescale –Very disappointing one year before the site was due to finish that more time than originally granted in 2007 is now

- proposed.
- Transport – There must be justification to now reduce the number of HGV movements per day as there is less to complete and a longer time to complete over. It is the HGV movements on Pitsea Hall Lane that that cause the most concern to local community. Bringing forward of the awaited pedestrian bridge would be beneficial.
- Environment – With the regeneration of Pitsea Hall Lane provides the link between Pitsea and the Country Park and every effort should be made to improve this link including reduction in HGV movements.

COUNTY COUNCIL'S NOISE CONSULTANT: No objection, subject to imposition of exiting noise conditions, setting maximum noise levels and requiring monitoring to show compliance.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT: No objection. A summary of Landfill Gas (LFG) control measures has been detailed within the ES chapter and a Gas Management Plan (GMP) has been completed for the site in accordance with the Landfill Gas - Industry Code of Practice (March 2012). The continued adherence to the GMP and the mitigation measures specified within the ES chapter will ensure that residual emissions are minimised. Further to this, the Environment Agency licenses and regulates Pitsea landfill site to ensure that the impacts on the environment are minimised. As such, it is considered that air quality impacts will be suitably controlled and it is anticipated that the proposed application would result in no additional impacts.

ESSEX COUNTY COUNCIL AS WASTE DISPOSAL AUTHORITY: No comments to make

PLACE SERVICES (Ecology): No objection, subject to conditions to ensure compliance with the 'Protection Measures for Protected Species' as set-out in the 2011 AMEC report and a condition requiring monitoring and management of predator species.

PLACE SERVICES (Landscape): No objection

PLACE SERVICES (Historic Buildings): No objection. The site has no impact on the historic built environment, however the movement of traffic to the site passes Cromwell House, a grade II Listed Building but this raises no concerns.

BOWERS GIFFORD & NORTH BENFLEET PARISH COUNCIL – No comments received.

CANVEY ISLAND TOWN COUNCIL: No comments received

LOCAL MEMBER – BASILDON - Pitsea – Cllr Mc George - Concerned that two waste facilities are operating within Basildon at the same time.

LOCAL MEMBER – BASILDON - Pitsea – Cllr Bobbin - Any comments received will be reported verbally

Adjacent LOCAL MEMBER – BASILDON – Westerly Heights. Any comments received will be reported verbally

Adjacent LOCAL MEMBER – CASTLE POINT – Canvey Island West - Any comments received will be reported verbally

## 6. REPRESENTATIONS

15 properties were directly notified of the application, the majority of which were non-residential properties. Two letters of representation have been received raising the following matters:

### Observation

The lorry route passes a Listed Building Cromwell Manor, the EIA should have included a Heritage Statement as required with respect to other waste applications.

### Comment

A Heritage Statement has subsequently been submitted. See appraisal

Residents of Basildon were told this tip would be completed in 2015 and this should be upheld, residents' wishes are being ignored and promises broken.

See appraisal.

Basildon now has to suffer HGV movements in relation to Pitsea & Courtauld Road with consequent loss of air quality

See appraisal.

## 7. APPRAISAL

The key issues for consideration are:

- A. Need & Waste Policy Considerations
- B. Basildon Local Plan Policy considerations
- C. Green Belt
- D. Ecological Impacts
- E. Traffic & Highways
- F. Landscape and Visual Impact
- G. Noise, Dust & Air Quality
- H. Cultural Heritage

### A NEED & WASTE POLICY CONSIDERATIONS

The National Planning Policy for Waste (NPPW) encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate. However, while it is stated that disposal is the least desirable option, it is also recognised that land raising or landfill

sites need to be restored to beneficial afteruses at the earliest opportunity and to high environmental standards.

Pitsea landfill is a preferred site for non-hazardous landfill (LNI4) identified in the WLP 2001 (NB The void capacity referred to in the WLP of 4.4million m<sup>3</sup> was prior to the application in 2006, as at 2006, 8 million m<sup>3</sup> was required to complete the landfill). Historically this site was a co-disposal site taking special waste including liquid waste, but with changes in legislation this is now not permitted and now the site receives only non-hazardous waste both local authority collected waste and industrial and commercial waste and inert waste.

At the time of this application's preparation in 2014 the volume of waste still required to complete infilling of the void was estimated at approximately 3.5 million m<sup>3</sup> (4.6 million tonnes) with an additional approximately 2 million m<sup>3</sup> (3.2 million tonnes) of restoration material required a total of 5.5 million m<sup>3</sup> (7.8 million tonnes).

In the period until 2025 the site would continue to receive waste to infill the void as well as restoration materials. Upon completion of the void, restoration materials would continue to be imported for a further 2 years until December 2027, estimated to be around 130,000 m<sup>3</sup> per annum for those last two years.

In 2006 when the timescale for completion of the landfill was last reconsidered it was envisaged the importation of waste materials would be completed by December 2015 and completion of importation of restoration materials complete in order to achieve restoration by December 2017. This was based on inputs rates prior to 2006, however, the applicant has stated there has been a considerable change in circumstances with respect to the amount and rate of fill material, which could not have been foreseen at that time including the following factors:

- The effects of the recession;
- The steady increase in landfill tax which is currently £80 per tonne which has driven waste away from landfill as local authorities and businesses look to reduce their costs;
- Increased recycling following the introduction of tighter regulations;
- Improved recycling /separation schemes by local authorities including kerbside collection of food waste;
- Since October 2014 the diversion of Local Authority Collected Waste to Courtauld Road MBT.

The combination of the above is that waste input rates have been less than those predicted in 2006 and hence insufficient waste will have been imported by December 2015 to infill the void and complete the capping and restoration.

The applicants' have stated, and that the completion of the approved restoration is supported by the Environment Agency, that it is essential the currently approved post-settlement restoration landform is achieved.

Phasing of the site approved in 2007 consisted of a ring of phases around the outer edge of the site to be completed first and then central phases to be infilled after the outer ring. The landfilling of phases in the outer ring is complete and approximately

two thirds of this area restored to nature conservation, with the remaining third to be restored in the next two years, subject to availability of suitable restoration materials. This leaves only the centre phases to be completed, which are larger in volume than the outer phases. Infilling of these phases would be largely screened by the outer completed phases; apart from when infilling reaches the upper levels of these central phases. Without completion of these inner phases, the site if restored at the existing profile, would leave a hollow in the centre of the site that would naturally fill with water, likely causing a water body. The waterbody would prevent satisfactory management of surface water, leachate and landfill gas and likely require continual disturbance of the site's surface to address problems. This continual disturbance would prevent delivery of the nature conservation after use and limited public access to the site. The Environment Agency have commented that the completion of the profile permitted in 2007 is essential to ensure natural shedding of water, which would reduce difficulties with managing landfill gas and leachate.

The Environmental Permit would be required to be amended as a result of the extended period to include management measures for leachate and landfill gas over the extended period. If planning permission is granted there would need to be subsequent applications for the retention of existing leachate and landfill gas management facilities which may require amendments, potentially requiring planning permission.

The approved profile was designed specifically to ensure that the site, post settlement would naturally shed water and facilitate long-term management of leachate and landfill gas. The applicants have considered an alternative revised profile to that approved to reduce the volume of waste needed to complete the site. A gentler profile would be less likely to naturally shed water and likely to lead to problems with management of leachate and landfill gas requiring continual disturbance of the surface. In addition a revised profile would require the reworking of the outer phases with associated visual impact, odour issues due to exposing decomposing waste and difficulties managing leachate and landfill gas while re-opened.

The continuation of landfilling over the next 10 years is considered essential to achieving the completion of the site and delivery of a sustainable restoration scheme providing both nature conservation and public open space benefits.

The application seeks an extension of 10 years; the timescale for completion has been based on both applicants (Veolia) and its agents SLR's knowledge of waste markets, both at Pitsea and nationally and the likely rate of importation of waste to the site. The applicants have stated that the calculations have been conservative; assuming a decrease in input rates of 5% a year based on the applicants & consultants knowledge. Thus potentially the site could be finished earlier. For example since submission of the application infill rates for late 2014 and early 2015 were higher than expected. However, there could be years when infill rates are less.

Due to the decreasing availability of non-hazardous waste it is likely a greater proportion of waste would be inert in nature. Concern was raised by the WPA with the applicant that as inert material settles less, that perhaps the pre-settlement levels needed to be reconsidered. The applicant reviewed the settlement model in 2011 as

required by previous conditions and also reviewed settlement rates to date and considered no change is required with respect to the pre-settlement levels. However, the applicant has proposed to review the model on a regular basis, in particular, if there was a significant increase in the volume of non-biodegradable waste (which settles less), so that pre-settlement could be amended on incomplete phases, if required to ensure achievement of the post settlement levels. Such monitoring and amendment to pre-settlement levels could be secured by planning condition, if planning permission were granted.

In conclusion it is considered there is a technical need to complete the site in order to achieve a sustainable beneficial afteruse, where leachate and landfill can be properly managed. This is in accordance with the principles of NPPF to achieve a high standard of restoration for landfills.

While disposal to landfill is at the bottom of the waste hierarchy there is a need to provide for disposal of the residue, once recyclables have been removed from the waste stream. The WPA is currently preparing a Replacement Waste Local Plan (RWLP), the evidence base for the RWLP has shown that there may be a slight increase in waste arising with respect to non-hazardous waste within Essex & Southend and there is a need to provide for a proportion of London's residual waste. However, such provision for Greater London will reduce as London develops its own facilities to manage its waste. The Greater London Plan (adopted March 2015) states that no non-hazardous waste will be exported from Greater London after 2026. The evidence base for the RWLP indicates there could be an excess of non-hazardous landfill capacity, by the end of the plan period 2031, but this will depend on the level of increase in waste arisings within Essex & Southend and Greater London achieving its aim of no export of non-hazardous waste by 2026.<sup>1</sup>

The potential for Pitsea not to be completed by 2015 was recognised within the evidence base for the RWLP, as it was known that infill rates had not been as high as predicted in 2006. Because of the existing capacity (at Pitsea and other sites) no new non-hazardous landfill capacity has been proposed within the emerging RWLP. Pitsea has been identified as a safe guarded site within the emerging RWLP, as the capacity within the site has been acknowledged in assessing what further non-hazardous landfill capacity would be required<sup>2</sup>.

Due to the potential excess of non-hazardous landfill capacity within the life of the RWLP, there is no need to identify additional void capacity. However, it must be emphasised that the current application has not been justified on the need for the void space, but the need to complete infilling of the existing permitted capacity to achieve satisfactory restoration of the site and deliver the nature conservation and public open space after use. In addition there is potential, as mentioned earlier, that the applicant may utilise the void capacity within the site for disposal inert waste as opposed to non-hazardous waste in response to the market availability of waste materials. The WLP policy W3D seeks to ensure that where sites/void capacity was identified in the WLP for non-inert waste the void was utilised for this purpose. AS

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<sup>1</sup> The Replacement Waste Local Plan is still in its early stages and the evidence has not been tested at Examination in Public and therefore limited weight can be attributed to its content.

<sup>2</sup> The Replacement Waste Local Plan is still in its early stages and the evidence has not been tested at Examination in Public and therefore limited weight can be attributed to its content.

mentioned before the evidence base for the emerging RWLP would indicate there may be an excess of non-hazardous (non-inert) void capacity within the plan area. Therefore it is considered, that should the applicant consider it beneficial to utilise the existing void space for inert waste as opposed to non-hazardous waste, while not in conformity with WLP policy W3D it is considered the need to complete the infilling and restoration in a timely manner, justifies the non-compliance with this policy. It must also be recognised that at the time of the adopted WLP, the technology and level of recovery of recyclable material from waste was not as developed as today and alternative technologies for disposal of waste were in their early stages, such that disposal of waste was much more dependent on landfill and hence capacity was protected to maximise its potential. In addition more recent national policy within NPPW emphasises the need for restoration of a high standard in a timely manner.

Concern has been raised as to the concentration of waste facilities in the Basildon area namely Tovi Eco Park (Courtauld Road) MBT as well as Pitsea landfill. The NPPF emphasises that waste facilities should be located near to the communities they serve. The location of Pitsea landfill is historical and not one that can be changed and its satisfactory restoration is essential. In considering the cumulative impacts of the proposal, the most likely to give rise to adverse effects is that of vehicle movements, as considered later in this report, no objection has been raised on highway safety and capacity grounds by the Highways Authority or with respect to air quality grounds by the County's air quality advisor and therefore the cumulative impacts of the development are not considered unacceptable.

The applicant has, as part of the application, sought to be allowed to import waste without restriction as to its geographical source, in view of the need to complete the restoration as soon as possible. The permission granted in 2007 required cessation of waste sourced from Kent by 2010 and waste from London reducing over the life of the site in accordance with the former Regional Spatial Strategy and WLP policies W3B and W3C. The emphasis of National policy with respect to constraining the geographical source of waste has changed since the determination of the application in 2007. While the proximity principle is still supported, by local (WLP policy W3A) and national policy (NPPW), it is recognised that waste facilities may need to serve an area greater than the immediate local authority. In view of this change in emphasis of national policy, and the need to see the site's restoration completed as quickly as possible, it is considered acceptable not to constrain the source of waste, such that waste from Kent and Greater London and elsewhere can be disposed of at the site. The condition seeking to limit the source of waste could be deleted, if planning permission were granted and thereby assist the restoration to take place in a timely manner.

It is considered in accordance with the NPPW there is a need to ensure a high standard of restoration at Pitsea Landfill. Policies of the adopted WLP also seek to ensure high standard of restoration including protection of ground and surface water (WLP policies W4A and W4B) from pollution and proper management of landfill gas (WLP policy W10D) and ensure that the restoration is acceptable and feasible (WLP policy W10C). The completion of the approved profile and restoration would, ensuring surface water, leachate and landfill gas management can be properly managed in the long term to prevent environmental pollution and to deliver the benefits of the restoration scheme, namely areas of nature conservation and public

open space. These benefits can only be fully achieved, if the site is completed in accordance with the approved profile. It is therefore considered that the additional time needed to import waste to achieve this approved profile is justified and would deliver a sustainable beneficial restoration of the site in accordance with the NPPW and WLP policies W4A, W4B, W9A, W10C and W10D.

## B BASILDON POLICY CONSIDERATIONS

Pitsea Landfill is designated as Marshes within the adopted Basildon District Local Plan to which Policy C7 relates, which seeks to protect the Marshes of Vange, Bowers & Pitsea from inappropriate recreational uses and preserve the landscape, character and nature conservation value of the Marshes.

Veolia the applicants have provided a long lease to the RSPB on land within Bowers Marsh adjacent to the landfill, where the RSPB have undertaken works to create a wetland habitat for birds and reserve accessible by the public.

The creation of the nature conservation habitats as part of the restoration scheme on the landfill, of which nearly half has already been delivered, would complement the existing designated and undesignated nature conservation areas, which surround the site. The completion of the restoration and delivery of the public access to these habitats is considered to be in accordance with Basildon Local Plan policy C7.

Within the emerging Basildon Local Plan 2031 - Core Strategy there are key areas noted for Primary Areas for Development and Change (PADC). In all three the Spatial Growth Options scenarios, Pitsea Hall Lane is located within the urban PADC. Policy PADC13 relating to the South Essex Marshes seeks to improve and transform the Marshes into a publicly accessible Thameside wilderness, connected to nature reserves in neighbouring districts and boroughs. The policies in combination aim to regenerate and improve the amenity and enjoyment of Pitsea and its surrounding areas, with this area providing a 'Gateway' to Pitsea and the rural environment to the south. Concern has been raised by Pitsea Mount Residents Association that the continuation of HGVs and delay in restoration of the landfill does little to support the regeneration of the Pitsea Area which Basildon Borough Council is seeking to achieve. Basildon Borough Council has raised no objection but requested improvements to the public realm in Pitsea Hall Lane. The applicant has responded that there is an existing commitment to fund a pedestrian bridge on Pitsea Hall Lane over the railway line and there are opportunities for funding of projects through the Environmental Trust (utilising landfill tax) and applications for projects should be made to this fund.

It is acknowledged that the continuation of HGV movements to the site would detract from creating a pleasant "gateway" to the Marshes Area. Although, while it is acknowledged that the majority HGV movements on Pitsea Hall Lane are to Pitsea Landfill, there are HGV movements associated with ECC's HWRC and the Tuskit Industrial Estate, which would continue after the landfill is completed. The continued commitment by Veolia to provide a pedestrian bridge over the railway line will improve pedestrian accessibility to the area. The continuation of HGV is unavoidable if the landfill is to be completed and the restoration benefits delivered.



As part of the restoration both permanent and temporary areas for cultivation of bio fuels (willow) have been included in the restoration, to provide bio fuel to the heating system at Wat Tyler Country Park operated by Basildon Borough Council. This was previously secured through legal obligations which would be carried forward to any new legal agreement, if planning permission were granted. An area of temporary bio fuel cultivation is located adjacent to Bowers Marsh and is due to be cut this year. Permanent areas planted for bio fuels are located in the north of the site near the access road. Due the position of the temporary area, access is likely to become restricted in the near future due to completion of restoration in the adjacent area and thus its removal by summer 2017 is considered necessary to ensure its satisfactory restoration. Removal of the willow is also necessary to ensure nesting of corvidae is discouraged and these are likely to predate on birds within the new RSPB Bowers Marsh reserve. Its removal and restoration could be secured through condition if planning permission were granted.

The completion of the site is essential to enable delivery of the nature conservation afteruse and the public open space which would contribute to the other surrounding nature conservation areas and public open spaces, including Bowers Marsh RSPB reserve and Wat Tyler Country Park. While it is acknowledge the 10 year extension will delay the delivery of these benefits, their delivery would provide long-term benefits, such that it is considered the extension of time is in accordance with the aims and objectives of BDLP policy C7 and emerging policy PADC13.

## C GREEN BELT

National planning policy in the last few years has sought to emphasis the protection afforded to Green Belt land, both through the NPPF and NPPW. The Green Belt for Basildon is defined by policy BAS GB1 of the saved policies of the adopted Basildon District Local Plan and seeks with others policies of that plan to protect the Green Belt from inappropriate development. The emerging Basildon Core Strategy seeks to ensure the Green Belt serves its purpose through “pro-actively managing the use of land in the Green Belt so that it benefits local communities”.

The NPPF states that “The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF states the Green Belt has 5 purposes:

1. to check the unrestricted sprawl of large built-up areas;
2. to prevent neighbouring towns merging into one another;
3. to assist in safeguarding the countryside from encroachment;
4. to preserve the setting and special character of historic towns; and
5. to assist in urban regeneration, be encouraging the recycling of derelict and other urban land.

Firstly the principle of Pitsea Landfill’s location has been established through previous planning permissions. There has been a landfill on the marshes at Pitsea, since before formal planning legislation and this situation needs to be taken into account when considering its continued acceptability in the Green Belt. The majority

of the nature of the landfill is not one of built development in its normal form i.e. buildings, but the use of land for landfilling resulting in a landform. However, it is acknowledged that there are existing buildings such as offices, staff facilities and workshops that would be required to be retained for the life of the landfill. In this context consideration with respect to the defined purposes of the Green Belt 1, 2 & 4 are less relevant to this application.

With respect to safeguarding the countryside from encroachment, the current application would see no change to the area or shape of the final landform, only a longer period to achieve restoration. The restoration to nature conservation and public open space would meet the purposes of the Green Belt keeping the land permanently open.

The height and shape of the pre-settled landform is untypical of the Marshes area, which are relatively flat, but this has been necessitated as the understanding of landfill technology has improved requiring the settled landform to be able to shed water naturally and allow extraction of the landfill gases generated. However, the restoration has been designed to be in sympathy with surrounding ecological areas and enhance the biodiversity of the area. The management of site by the RSPB for in excess of 130 years would be in accordance with the purposes of the Green Belt in that it would secure the area in the long term for nature conservation and public open space in sympathy with surrounding international and national designated ecological areas and the Wat Tyler Country Park.

It is recognised that, in appropriate development in the Green Belt, is by definition, harmful to the Green Belt and landfilling is not one of the exceptions as defined in the NPPF (paragraph 89). However, outdoor recreation is considered an exception, “as long as it preserves the openness of the Green Belt and does not conflict with the purpose of the including land within it”. It is considered that the restoration after use of public open space would meet this exception criterion.

Nonetheless, it is acknowledged that continuation of landfilling operations for a further 10 years, with the retention of the associated built infrastructure, is inappropriate development within the Green Belt, but it is considered that the need to complete the landfilling, to achieve the landform that would ensure satisfactory restoration of the site and delivery of nature conservation and public openness alone amount to very special circumstances, such that its location within the Green Belt does not warrant refusal on these grounds.

## D ECOLOGICAL IMPACTS

The Pitsea Landfill is surrounded by various sites of nature conservation value, including, international and nationally designated sites (Ramsar, SPA, SAC's SSSI and County Wildlife Sites). In addition the RSPB in the last few years have created a new reserve on the Bowers Marsh with water bodies and creeks specifically designed to encourage wetland bird species. National and local planning policies seeks to ensure protection of these ecologically sensitive areas and where possible seek enhancements.

The impacts on the surrounding ecology have to be considered in terms of the

continued impacts during the completion of landfilling and restoration over a further 10 years and the impact of the proposed restoration and afteruse.

In considering the proposed extension the Environmental Statement recognised the greatest impact arising from the continued landfilling operations were the attractiveness of the site to gulls and the existing population of foxes. Both species have the potential to feed on the eggs of breeding birds and prey upon certain fauna such as young birds, reptiles and young baby hair.

The separation of food waste at source prior to importation of waste to the site has reduced the amount of food waste being landfilled, such that there is less food to be scavenged. The site at present is not subject to any specific management measures with respect to deterring gulls, such as noise deterrents and use of hawks, as these would likely impact upon other bird species visiting the adjacent nature conservation areas. However, the site is subject to good management practices such as covering of waste and keeping the open tipping area to a minimum, to reduce the area attractive to gulls.

The site also has a known population of foxes, the reduction in food waste will also likely reduce the number of foxes, but due to their predatory nature of foxes measures have been also been taken to try and reduce fox numbers, including discouraging staff from feeding them. The RSPB initially raised objection to the application, in that inadequate measures had been proposed with respect to managing predators, in particular foxes. However, a monitoring and management plan has now been agreed by the applicant with the RSPB, and the RSPB has withdrawn its objection. The implementation of this monitoring and management plan could be secured by a legal obligation, if planning permission were granted.

The application also includes the continuation of importation of restoration materials by barge using an existing wharf on Holehaven Creek. However, Holehaven Creek is an SSSI and of particular importance as it is used by the Black-tailed Godwit (nationally important numbers visit the Holehaven Creek), Curlew and Dunlin which are protected species and are sensitive to disturbance. Use of the Holehaven Creek is limited by the tides. The use of the wharf is overseen by the Pitsea Barge Impact Group (PBIG)<sup>3</sup>. Veolia fund monitoring surveys and advice as to best operational practices is agreed by the group and adhered to by Veolia. Natural England has commented that the existing number of barge movements should be seen as a maximum and involvement by Veolia in the PBIG should continue for the life of the landfill. Monitoring reports to date have indicated that greater disturbance tends to be caused by other movements in Holehaven Creek such as jet skis and motor boats. The previous legal agreement did require that importation of material should be limited to restoration materials only i.e. not to include non-hazardous waste. However, no other restrictions were placed on the use of the wharf. Voluntarily Veolia have funded monitoring and complied with the operational practices suggested by the PBIG. The existing obligation would be carried forward and Veolia are agreeable to obligations that require their involvement with the PBIG, including funding of monitoring during barge movements and compliance with operational

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<sup>3</sup> The Pitsea Barge Impact Group is made up of Natural England, RSPB, Port of London Authority, Wat Tyler Country Park, Thames Estuary Partnership, Veolia Environmental Services & S Walsh & Sons (operators of the barges)

practices agreed by the PBIG, including the number and timings of barge movements.

The site in terms of management both during the life of the site and upon restoration can be divided into two parts, those areas which have been subject of recontouring since 2007 and still requiring completion and those which have remained undisturbed around the perimeter of the site.

Those areas already reprofiled and restored and to be restored, during the life of the landfill, would be managed to achieve their nature conservation afteruse. Monitoring to date has already shown restored areas to be supporting species of nature conservation value. If landfilling and restoration were not completed the full nature conservation value of the site is unlikely to be realised, as the site would be likely subject to constant disturbance (removal of soils) to address issues relating to surface water, leachate and landfill gas management. Conditions would be imposed, requiring 5 years aftercare for restored areas of the site and through a legal obligation management beyond the 5 year aftercare by Veolia until such time as management is passed to the RSPB.

As explained above there is an area of land on the perimeter of the site that has not required re-profiling and this currently includes ditches and channels related to both surface and leachate management, often referred to as the area below the 10m contour (although the area isn't strictly below the 10m contour). This perimeter area is currently positively managed by Veolia to enhance its nature conservation as well as meeting its functional needs with respect to management of the leachate and surface water. To date the management of these areas has not been secured through planning controls. To ensure adequate control of these perimeter areas is continued, it is considered appropriate to impose conditions, requiring the details of management to be submitted and approved and implemented throughout the life of the landfill and aftercare period.

As mentioned above the long-term management of the site is to be undertaken by the RSPB and arrangements are in place for the site. RSPB management would commence upon completion of the aftercare period, previously anticipated to be in approximately 2022/23 (5 years after completion of the site in 2017), but now likely in 2032/33. The management of the nature conservation areas and management of visitor facilities (in the existing site offices) would under the current application continue to be undertaken by the RSPB for a period in excess of 130 years. However, the proposed 10 year extension of time to complete the landfill would require an amendment to the existing legal arrangement between Veolia and the RSPB, reflecting the delay in commencement of the management period. It is necessary that this revised legal arrangement between Veolia and the RSPB is in place prior to the completion of any new legal agreements necessary in relation to this planning application and the issuing of the planning permission. The recommendation at the end of this report reflects this requirement.

In terms of impacts following restoration, there is potential for positive benefits from the nature conservation afteruse, complementing the surrounding areas subject of ecological designations. Natural England has expressed disappointment in the delayed delivery of these bio-diversity benefits and in the delay in access by the

public to the restored areas of nature conservation. In order to enable some public observation of the restored areas until completion of the restoration, the use of cameras on the site has been suggested, with potentially live web cameras. The applicants have indicated a willingness to provide such facilities and these could be secured through a planning obligation should planning permission be granted.

The long-term afteruse of the site includes access by the public the extent of this access would be managed by the RSPB. There is potential for human presence resulting from the recreational use to have an adverse impact on biodiversity benefit to be delivered by the site, but it is considered that the RSPB has experience in balancing these two conflicting uses and thus additional control is not necessary with respect to this matter.

Subject to the planning conditions and legal obligations, as described above it is considered the impacts arising from the extended period of landfilling, importation of material by barge and long-term management of the site for nature conservation and public open space would not result in adverse impact on surrounding sensitive ecological habitats. In addition, in the long-term, the site should deliver benefits in terms of biodiversity. The proposals are therefore considered to be in accordance with the NPPF, NPPW and WLP policy W10E and BLP policy C1 and C7 in protecting and enhancing areas of biodiversity.

#### Habitat Regulations Assessment

Pitsea landfill is within 2km of the Benfleet and South Essex Marshes Ramsar site and SPA and as such it was necessary to adopt a screening opinion as to whether an Appropriate Assessment was required. The application has been subject of consultation with Natural England and the County's Ecologist.

The sensitivity of the Ramsar and SPA designations largely relates to ensuring the quality of water is not deteriorated. It was concluded that the proposed development would not increase the risk of degradation of water quality, above that which would exist without the development and controls are in place including the Environmental Permit administered by the Environment Agency to minimise any impact from surface water or leachate generated at the site. It was therefore concluded that an Appropriate Assessment was not required.

## **E TRAFFIC & HIGHWAYS**

No additional movements are proposed as part of the application, only a continuation of the existing vehicle movements. HGV movements are currently limited to 1100 movements a day (550 in 550 out) Monday to Saturday. This is also set out within the associated existing legal agreement, such that this is the total movements for the site, not just those associated with the landfill i.e. all HGV movements associated with activities at the site which include, green waste composting, in-vessel composting and inert recycling. In addition 100 movements (50 in 50 out) are permitted on Sundays and on Public Holidays, these movements allow deposit of waste arising from Household Waste Recycling Facilities, which are often busy at weekends and in the past allowed receipt of Local Authority Collected Waste as part of catch up collections after public holidays. If granted permission, conditions and legal obligations could be re-imposed to ensure the existing control is maintained.

Some restoration materials are imported from London by barge to a wharf on the edge of the site within the Holehaven Creek, one barge can carry about 500 tonnes equivalent to about 29 lorries (58 movements). However, the tides only permit barges to access the wharf twice a day and the movement of barges is further constrained by the need to minimise disturbance to protected birds that feed on the marshes particularly at night. Due to these constraints the use of barges cannot be expanded.

Pitsea Mount Residents' Association has suggested that the number of HGV movements per day could be reduced, due to the extended time to complete the landfill. If HGV movements were reduced below that currently permitted this could further delay restoration of the site, by reducing the daily input of non-hazardous waste and restoration materials. In particular, restoration materials mainly become available in the summer months and often are associated with a specific construction project, such that there can be a large number of movements in a short period. At these times movements are managed to ensure not exceeding the permitted maximum. Reducing the daily HGV movement numbers could potentially further delay restoration and completion of the site.

As part of the planning permission granted in 2007 Veolia committed to provide a pedestrian bridge over the railway line on Pitsea Hall Lane. It should be emphasised that this was not a requirement of the Highway Authority or the Planning Authority, but an offer by Veolia as a good will gesture to the community of Pitsea. The bridge over the railway line is subject to protection measures to ensure two HGVs aren't on the bridge at the same time. The existing footpath is quite narrow over the bridge and even with only 1 HGV on the bridge; use of the pedestrian path is not pleasant. Therefore, Veolia are working with ECC & Network Rail to deliver a pedestrian bridge adjacent to the current road bridge. The original commitment was to provide the bridge by 2012. The process has been extremely slow due to the number of authorisations required from Network Rail, but progress is now being made and it is hoped the bridge will be in place during 2016/17. If permission were granted to extend the life of the landfill, the commitment to provide the bridge could continue to be required by legal agreement, the bridge to be fully funded by Veolia, with the bridge subsequently becoming an ECC structure.

The existing access arrangements meet the criteria of WLP policy W4C in that access is via an existing road to a main route, the A13. The Highways Agency has raised no objection and the Highway Authority has raised no objection, subject to imposition of the existing conditions relating to highway matters, namely, number of HGV movements and access point to the site.

It is therefore considered that the continued number of HGV movements and use of Pitsea Hall Lane would not give rise to issues of highway safety or capacity and that planning permission could not be withheld on highway grounds.

## F LANDSCAPE AND VISUAL IMPACT

The site is located in the flat area of the Marshes such that the proposed domed landform is slightly unnatural, although to the north lie areas of higher ground

including Pitsea Mount. Also when viewed from the north it is seen in the context of much larger built objects, including electricity pylons, the cranes of the new DPworld and structure of the Coryton Refinery, which are more prominent than the landfill.

The application proposes no additional land take and would not change the permitted landform. The surrounding ground levels are in the range of 0-5m AOD, while the proposed maximum height of pre-settlement levels is 43m AOD falling to post settlement levels of 30m AOD, the settlement within initial years would be greater, slowing overtime. The landfilling of the outer phases is now completed with only the southwest face awaiting restoration. Landfilling is now taking place within the central phases and is screened from views by the outer phases. However, there would be times when a central phase is nearing completion that landfilling operations would be prominent on the top of the landfill.

It is acknowledged within the ES that not completing the landfill would leave an unfinished profile which would be less consistent, and the completed profile would be more desirable in landscape terms. The ES states the proposed landform would not positively contribute to the landscape character of the area, but would provide some contribution to the structure of the landscape as the restoration of the site progresses. It is therefore considered that while the extended time period would result in the operational impacts for a further 10 years, the overall completion of the site was preferable in landscape terms, than, not completing the landform and restoring the current profile.

The visual impact of the site was assessed from a number of public locations surrounding the site, the greatest impact of the site was considered to be movement of vehicles and plant associated with the landfill operations, but these would be intermittent and occur mainly when landfilling was taking place on the upper levels of a phase where operations would not be screened by the outer completed phases. Most views are relatively distant and are viewed in the context of the larger structures of DPworld and the refinery. .

It is therefore considered that the proposal would not give rise to adverse landscape and visual impact that would warrant refusal and the proposals are in accordance with the NPPF, NNPW, WLP policy W10E.

## G CULTURAL HERITAGE

The impact on cultural heritage was assessed as part of the Environmental Statement. No heritage assets are within the application site. There are Listed Buildings north of the site. Cromwell Manor (formerly Pitsea Hall) is located on Pitsea Hall Lane near the railway lane, but it was concluded there would be no additional impact on this asset, only a continuation of the vehicle movements passed the property. The landfill is also visible from St Michael's Church, but with restoration completed on the north side of the site, operations would only be visible when completing the tops of the remaining phases and this visual impact is not considered significant.

English Heritage has required determination in accordance with national policy and local advice. The County historic advisors have raised no objection and considered

the movement of HGVs passed Cromwell Manor would not result in adverse impact. It is therefore considered the proposals are in accordance with NPPF and WLP policy W10E.

## H NOISE, DUST & AIR QUALITY

The method of operation of the landfill would not change, but extended for a further 10 years. The applicant has carried out noise monitoring and shown compliance apart from occasional high readings near the site entrance where there is a residential property. Consultation has taken place with this property and no letters of representation or complaint have been received or from other residents. The County's noise consultant has raised no concerns, subject to previous conditions with respect to maximum noise limits and requirements for noise monitoring. In addition, the existing condition limiting hours of operation could be imposed if planning permission were granted to ensure disturbance from both HGV traffic and operations on site was minimised.

There have been complaints at times with respect to mud on the road and the adjacent footpath along Pitsea Hall Lane, during periods of adverse weather conditions. Veolia do undertake sweeping of the road and do implement best practice with respect to preventing mud being carried out on the highway, with wheel cleaning facilities on site. Appropriate conditions could be imposed, if planning permission were granted, to minimise debris being carried out onto the public highway.

There have been incidents of odour complaint; some of these have proven not to be attributable to the landfill, potentially arising from the Pitsea sewage works. However, Veolia does investigate these complaints; including checking the operation of landfill gas management systems and the site is subject of Environmental permit administered by the Environment Agency, which controls the landfill gas management system.

Concern has been raised by a local resident as to the impact on air quality resulting from the continued HGV movements. The number of HGV movements would be limited to those previously permitted such that there would be an increase but a 10 year continuation of existing levels of vehicle emissions. The County's air quality consultant has raised no objection to the application.

Any complaints, the outcomes of investigations and actions taken are reported to the site liaison group. The operation of the liaison group would continue throughout the life of the development and an existing obligation for such would be included in the revised legal agreement.

It is considered subject to the imposition of existing conditions with respect to noise and hours of operation, and implementation of best practice with respect to landfill gas management and prevention of mud on the road, the site would not give rise to adverse impact with respect to amenity issues including, noise, dust and air quality in accordance with the NPPF, NPPW and WLP policy W10E and W10F.



## I CONCLUSION

The NPPF seeks to achieve sustainable development and identifies three dimensions environmental, economic and social.

With respect to the environmental dimension, it is considered that the completion of the previously approved landform of Pitsea landfill is essential to achieve a sustainable restoration with a beneficial afteruse. If the approved profile is not achieved, it is likely to lead to long term difficulties with the management of surface water, leachate and landfill gas and potential environmental pollution, in a particularly ecological sensitive location, due the number of both internationally and national designated ecological site. The NPPW recognises that while landfill, is at the bottom of the waste hierarchy disposal of non-recyclable waste is necessary and that restoration of landfills should be to a high environmental standard. Completion of the scheme would not only ensure a sustainable restoration, reducing pollution risk but provide social benefits in the creation of a public open space as well as making positive contributions to bio-diversity. The extension of time enabling the completion of the restoration scheme while, providing an environmental sustainable solution, also provides an economic solution for the restoration of the site.

It is considered the completion of the restoration to achieve a high standard of restoration, delivering public open space, accords with the objectives of the Green Belt and the continued need for restoration to an appropriate Green Belt use warrants the very special circumstances, required to justify the continuation of development within the Green Belt.

It is considered subject to planning conditions and legal obligations, to minimise the impacts over the extended 10 year period and to secure the delivery of the restoration scheme and the public open space, the proposals are in accordance with NPPF, NNPW and WLP policies W3A, W4A, W4B, W4C, W9A, W10C, W10D, W10E and W10F and BDLP policies BAS GB1, BAS C1, BAS C2 and BAS C7 and is considered to be in conformity with the development plan as a whole.

## 8 RECOMMENDATION

That planning permission be **granted** subject to

i.

- A. The prior completion of a legal agreement between the RSPB & Veolia for long-term management of the site upon completion of the aftercare period. And that ECC is satisfied that the agreement adequately provides for:
  - the lease of the site by the RSPB,
  - management of the site by the RSPB for nature conservation and public open space, for a period in excess of 130 years
  - and adequate funding mechanisms are in place to ensure the proposed management is deliverable by the RSPB.
- B. AND the prior completion, by the 31 December 2015, of Legal Agreements under the Planning and Highways Acts to secure the

following obligations:

New obligations

- Veolia participation in the Pitsea Barge Impact Group, and implementation of agreed operational practices and funding of monitoring while barges importing material to the site
- Management of restored areas for the benefit of nature conservation in accordance with an agreed scheme of management until completion of aftercare period on the last phase or until the RSPB take over management whichever is the sooner.
- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.

Existing obligations & amended existing obligations of the 2007 legal agreement

- The total number of all HGV movements Monday to Saturday shall not exceed 1100 movements (550 in 550 out) with 100 movements. In addition 100 HGV movements on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.
- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
- No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
- Management of the nature conservation areas by the RSPB until 9 March 2159.
- Provision for release of the site for informal recreation and nature conservation uses upon completion of restoration and aftercare
- To provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes
- Provide for a liaison group for the life of the site
- The developer to provide at no cost to the County Council a pedestrian bridge over the railway line on Pitsea Hall Lane. Time period for provision of the bridge extended to 31 August 2017. A maintenance sum to be paid with respect to the bridge and funding mechanisms to be put in place to reimburse costs incurred by ECC in assisting with securing the necessary approvals/authorisation from Network Rail for the pedestrian bridge.
- Submission and compliance with Management Plans for the restored

areas and for land on the perimeter of the phases until completion of the aftercare period on the last phase.

- Submission and compliance with Management Plans for the Fobbing Horse Area
- Upon completion of the restoration not to use the Site other than for, aftercare, nature conservation, public open space for informal creation, agriculture necessary for aftercare and nature conservation and willow coppicing
- The southern wharf shall only be used for the importation of restoration and engineering materials.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access to Wat Tyler Country Park via the Old Redland Road.
- Provision of 15 hectares for 50 years for cultivation of biofuel
- Provision of drying and storage for harvested biofuels
- That the agreement supersedes all previous legal agreements

ii And conditions relating to the following matters;

1	Comm 2 - Commencement (Waste Specific)
2	Comm3 - Compliance with submitted details
3	CESS2 Cessation of development – landraising by the 31st December 2025 and the site restored by 31st December 2027.
4	CESS3 Removal of ancillary development
5	HOUR3 Hours of operation (Waste Specific) 07:00-18:30 hours Mondays to Saturdays The site may in addition be open solely for the receipt of material of the Waste Disposal 08:00-16:00 hours Sundays and Public Holidays
6	High5 Vehicle movement limits 1100 Monday to Saturday 100 Sundays & Public Holidays for deliveries as required by the Waste Disposal Authority.
7	NSE 6 - Silencing of plant and machinery
8	NSE 1 – Noise limits
9	NSE 2 Temporary operations
10	NSE 3 - Monitoring Noise Levels
11	NSE 5 - White noise alarms
12	Dust control measures in accordance with previously approved details
13	HIGH 2 Vehicular access
14	Storage of restoration materials in accordance with previously approved details

15	Machine movements in accordance with previously approved details
16	LS8 - Soil handled in a dry and friable condition
17	LS6 – Retention of soils
18	Soil depths in accordance with previously approved details
19	RS2 - Restoration in accordance with pre-settlement contours
20	Compliance with previously submitted Restoration Management Plan and submission of planting details with respect to each phase of the site
21	LAND 2 – Replacement planting
22	ECO 2 - Mitigation plan for legally protected species and/or priority species
23	Submission of details to address differential settlement
24	AFT1 - Aftercare scheme to be approved
25	AFT2 - Drainage of restored land and compliance with previously submitted details
26	No development of the previously permitted MBT
27	Cess 6 - Early restoration in event of suspension of operations to revised restoration scheme
28	Eco 6 - Biodiversity/Landscape Management Plan for land outside the identified phases, until 2027 and during the aftercare period.
29	High 3 - Surfacing/maintenance of access road
31	Submission of details of nature of waste, submitted on an annual basis, with review of settlements rates every two years and/or if the nature of the waste changes by more than 60% over a 12 month period.
32	Removal and restoration of the temporary short rotation coppicing area by 31 September 2017.
33	Submission of details to be used in the construction and maintenance of access roads located within the restored areas
34	Within 6 months a scheme for provision of a minimum of 4 monitoring cameras observing the flora and fauna of restored areas. The footage either to be available as live feed via a website, or highlights of the footage to be made available through a website.

## 8. BACKGROUND PAPERS

Consultation replies

Representations

Planning Application and Environmental Statement Reference ESS/49/14/BAS

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## **9. THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would be located within 2km of the Benfleet and South Essex Marshes Ramsar site and SPA and would not be directly connected with or necessary for the management of that site for nature conservation.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

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

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

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## **LOCAL MEMBER NOTIFICATION**

BASILDON - Pitsea

BASILDON – Westerly Heights - adjacent

CASTLE POINT – Canvey Island West - adjacent

## Environmental Impact Assessment

**For: Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility**

**Location: Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH**

**Ref: ESS/49/14/BAS**

An Environmental Statement (ES) has been submitted with the application and examines the potential impact of the proposal on the natural and built environment and considers, where necessary, ameliorative measures to reduce and minimise that potential impact.

The assessment has been undertaken according to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and through the consultation process the ES has been revised as required and mitigation measures introduced either by amendments to the proposal or as suggested planning conditions. The assessment covers the following:-

Alternatives

Ecology

Landscape & Visual Effects

Traffic & Transportation

Air Quality

Flood Risk Assessment & Water Environment

Cultural Heritage

Noise

Geology & Land Quality

Socio-Economic

### **Alternatives**

The impacts of restoring the site to a revised final landform were considered.

The implications of “no development” were considered to be:

- Leaving a bowl in the centre of the site, subject to ponding with implications for ongoing water infiltration into the waste mass and risk of pollution
- Continuous management of the gas distribution system, involving regular excavations disturbing restored areas
- Due to ongoing and long terms gas and water management, the revised landform would not deliver the nature conservation and amenity benefits, as the surface would be continually disturbed and accessibility would be greatly reduced.
- Unsustainable, would require ongoing long term management to prevent pollution of the environment

The potential disturbance and potential risks of leaving the site in this manner were

considered unacceptable in this environmentally sensitive location.

With outer phases completed it would require disturbance of the outer phases to achieve an overall revised profile, which would lead to problems with leachate landfill gas and odour and visual intrusion from exposure of previously deposited waste.

It was concluded the no development or amended profile alternatives are environmentally less desirable than the proposed development and were not preferred.

## **Ecology**

The Pitsea Landfill site is adjacent or close to a number of internationally, nationally and locally designated sites, including the following:

- Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site)
- Thames Estuary & Marshes SSI/SPA/Ramsar
- Pitsea Marsh SSSI
- Holehaven Creek SSSI
- Canvey Wick SSSI
- Vange & Fobbing Horse SSSI
- Bowers Marsh LWS
- Pitsea Landfill LWS
- Vange Creek LWS

The in site also includes:

- Flora identified as nationally scarce, Dittander and Essex Red data pyramidal orchid -present,
- Reptiles including common lizard, slow worm, and adder – large populations
- Badger – active setts present
- Water vole – small populations in perimeter ditches
- Breeding birds – protected birds likely to breeding at site including skylark and corn bunting
- Brown hare – unknown population size.

The potential impacts arising from the proposed time extension were considered to be:

- Potential direct impacts to protected and notable species, including impacts due to the continued presence of pest species (gulls and foxes)
- Potential for indirect effects to off-site nature conservation interests during operation and restoration

### Direct Impacts

The potential impacts to protected and notable species were identified as:

Presence of pests – considered to be the most likely impact from the continuation of landfilling. Gulls are attracted to landfills and fish and food waste is favoured by some while others will predate the eggs of other birds. Corvidae will also feed on food scraps and some species may predate other eggs. These pests will also predate on small animals, such as water vole, reptiles and young and vulnerable ground nesting birds and young brown hare. Increased numbers of these pests could have a depressing effect on local

populations of these animals and may unbalance local food webs, thereby having additional indirect effects.

The number of gulls and corvidae visiting the landfill is not subject to formal monitoring, nor is it subject to any control measures, such as mechanical and audio scares or managed predator deterrents, i.e. hawks. These traditional methods of bird control are considered highly likely to adversely affect notable populations and therefore are not appropriate at this site. Operational good practice is currently undertaken to deter scavenger birds from foraging on the site, such as the daily cover of exposed food waste and the minimisation of the area exposed waste. The continued diversion of food wastes to the in-vessel composting facility would also reduce the amount of bird attractive waste in the landfill.

Pitsea supports a population of foxes, the site manager considers numbers have reduced with the reduction of food waste in the landfill and staff are discouraged from feeding them. The RSPB consider the foxes are loafing and foraging outside of the site on adjoining areas and have been monitoring to determine what management is justified. Breeding and nesting birds and other fauna in the surrounding SSSI and Local wildlife sites are considered vulnerable to predation by foxes associated with the landfill. Initially the existing measures not feeding and reduction in food waste in the landfill were considered by the applicant as adequate mitigation and future other measures to be considered in conjunction with the RSPB. However following consultation responses from the RSPB and Natural England, which raised concern that more positive monitoring and mitigation should be undertaken to control the pests, a scheme of monitoring with appropriate steps for mitigation to be secured by condition has now been proposed addressing these concerns.

With respect to other direct impacts, the continued operation of the landfill would not lead to any additional land take, fragmentation or isolation of land above that of the existing footprint.

There are also no predicted changes to the operating environment with respect to noise, visual, vibration and lighting disturbance, except the current conditions that would continue for a further 10 years. Changes to ground and surface water could have direct impact upon water vole and aquatic invertebrates, or an indirect effect upon fauna that depend upon aquatic invertebrates for instance breeding and wintering birds. The landfill operates under an Environmental Permit and therefore any continued risks would be controlled.

The 10 year delay would mean the recovery and re-colonisation of protected and notable flora and fauna would also be delayed. However, the alternative to the proposed delayed restoration is not predicted to deliver the long-term benefits to protected species i.e. habitat creation targeted at biodiversity enhancements. The proposed restoration is predicted to have a beneficial effect upon all species receptors highlighted in the EIA. Upon restoration the potential for adverse effects resulting from recreation pressure would be monitored with adaptive management required, by the RSPB who are familiar with balancing biodiversity and human visitors.

There is potential for protected and notable fauna to become established in operational areas and then at risk as a result of continued landfill operations, but the site is subject to continual monitoring under its "Biodiversity Benchmark", which would mitigate this risk.

English Nature in their response highlighted the continued impact of the use of barges on



the Holehaven Creek SSSI and in particular the barge movement's disturbance to the black tail godwit. Veolia are one of group of organisation including Natural England, Port of London and the RSPB involved in the Pitsea Barge Impact group, which is monitoring and agrees operational practices for the use of barges on the Holehaven Creek. Veolia's involvement, support and implementation of the required monitoring and implementation of the groups agreed operational practices is essential to minimise the impact of barges on the Creek and therefore would be secured through a legal obligation.

#### Indirect impacts

The indirect impacts upon adjacent areas of ecological interest were identified as disturbance due to human activity and noise and dust deposition.

The continuation of the landfill operation would introduce no increase in overall disturbance levels. Species already present in and outside the site are accustomed to the existing noise and human activity, no significant additional impact is predicted.

Dust deposition can have an impact on agricultural and ecological systems. This can result from chemical and physical effects of particles on the vegetation surface or from changes in soil chemistry. Fugitive dust is typically deposited within 100-200 metres, the greatest proportion within 100m. The overall impact of dust deposition is a reduction in plant productivity. The amount of dust is dependent on the weather; less dust is generated in wet conditions and is washed off foliage. Dust suppression measures would continue as controlled under the Environmental Permit and measures currently in place control levels such that the amount of dust that levels the site is assessed as negligible. It was concluded the continuation of landfill operations is unlikely to significantly increase the rate or level of dust and not likely to have a significant impact upon the habitats and species within the application site and in the surrounding areas.

#### Comments

Subject to securing through conditions appropriate mitigation with respect species that may be present on incomplete areas through obligations the following:

- while barge movements continue on Holehaven Creek connected with landfill the continued involvement in the Barge Impact Study Group and the implementation of its required monitoring and management practices and
- the long-term management by the RSPB of the habitats to be created through restoration to ensure delivery of the bio-diversity habitats

It is considered the ES adequately assess and mitigates ecological issues.

### **Landscape & Visual Impact**

#### Landscape

The site is identified as being located in the National Character Area 81: Greater Thames Estuary and Essex Landscape Character Area South Essex Coastal Towns" both include reference to flat coastal grazing marshes. Settlement is located on elevated areas to the north of the application site the southern edge of Basildon and South Benfleet.

The site is described as being within a contrasting area with open marshland being inter-dispersed with medium size settlements. On the banks of the Thames Estuary the scale of industrial development increases including Coryton Refinery and DPworld. The application site is surrounded by open marshes, such that the rise in landform associated with the landfill is visible, but more notable are the structures associated with the refinery and

shipping terminals.

The contribution to landscape character by the application site was assessed as relatively poor, but restored areas do and would provide some structure and the contribution increasing as restoration progresses.

Overall it was assessed no valued components of the landscape would be lost, due to the existing operational nature of the site. Not completing the landfill would mean that the profile would be significantly reduced but less consistent. The completed profile is considered more desirable as the profile would be smoother and more akin to the rolling hills seen to the north. In addition it was assessed the prolonged continuation of landfill operations is unlikely to change how the wider landscape is perceived, particularly when considering the much larger such as the DPworld.

### Visual

The developments visual impact was assessed from a number of visual receptors representing local residents, people engaged in outdoor recreation and visits to heritage assets and other attractions. 8 viewpoints were assessed including, the picnic area on Bowers Marsh, the southern edge of South Benfleet, the PROW on Holehaven Creek, from High Road, Fobbing, Vange Marshes and the public open space next to St Michael's Tower.

The key source of visual effect was identified as the prolonged presence of vehicles and plant within the operational parts of the landfill of the landfill, however these would be intermittent and only occurring within the upper levels, the large proportion of activity being screened behind the restored profile. As such visual impact was assessed as being between negligible, minor or moderate impact.

With respect to cumulative development when viewed with other developments, the landfill would have very limited overall cumulative effect due to the large scale of other developments, namely DPworld and the Coryton refinery.

### Comments

No mitigation was identified, the timely restoration of completed phases would seek to minimise restoration and conditions could be imposed to ensure restoration areas are restored as soon as possible to minimise the visual impact.

## **Traffic and Transportation**

The ES included a Transport Statement. The transport statement assessed the local road network and junction with the A13. Accident data was considered and it was determined there were no accident patterns that could be attributed to poor highway design and the site has operated without a history of accident issues.

The statement concluded that subject to the re-imposition of existing conditions relating to traffic movements including daily HGV limits and hours of operation, the development would not result in unacceptable impact on road or junction capacity, driver delay, road safety or amenity.

### Comments

Subject to re-imposition of conditions with respect to HGV movements and highways and carried forward of the obligation for preferred routing of vehicles and maximum HGV movements for all activities associated with the landfill, the traffic impact is acceptable.

### **Air Quality**

Assessment was provided of the impact of landfill gas generation potential of the landfill site and the impact of the extension of time. In addition the impact of fugitive landfill gas emissions and their global warming potential was assessed

The assessment looked at the waste stream type and how this is likely to change over the extension period. It was recognised that due to other facilities the element of MSW was likely to decrease and the inert element increase. The generation of gas was modelled over the life of the site.

The site is subject to gas management plan in accordance with industry best practice. The site would be progressively capped and gas extraction system installed. The gas would be utilised in the existing 11 generators.

The model of gas generation demonstrated that the amount of fugitive gas over the extend life of the operational landfill were small, such that no additional measures were necessary. Landfill gas is subject of control under the Environmental Permit.

### **Comments**

No mitigation with respect to air quality as considered necessary as part of the planning controls as these matters are appropriately addressed through the Environmental Permit.

### **Flood Risk and Water Environment**

With respect to the Flood Risk Assessment as the propose areas lie 20m above ordnance datum well above the predicted maxim flood elevations of 5mAOD, and it was concluded the previously accepted FRA adequately discussed and identified the risks of flooding.

The ES set out the leachate and surface water management arrangements for the site and assess the impact of the ingress of rainwater over the additional 10 years to complete the landfill. Generation of leachate is considered to likely decrease due to increased areas that which would be capped, the expanding surface water drainage system and the improved profile of the restored areas better able to shed water. Existing leachate levels within the site have been monitored and are below acceptable limits.

It was conclude subject to the proposed leachate management system and expansion of the surface water system in conjunction with capping and restoration, during the 10 year extension the ongoing effects of leachate generation on groundwater quality, surface water quality, drainage and ecology in the vicinity of the site would not be significant.

### **Cultural Heritage**

The assessment identified there are no heritage designated assets within the site, but 5 Listed Buildings within 1km of the site, including Little Coopers Cottage and Blunts within Wat Tyler Country Park, Pitsea Hall, north of the site adjacent to Pitsea Hall and ST Michael's tower on Pitsea Mount.

There would be no direct impact on heritage assets. The impact on Pitsea Hall would be

the continuation of HGVs past the Hall which is a transient short-term impact and HGV movements and hours would be limited by existing conditions. Views from St Michael's tower were considered to be limited and completion of the landfill would be beneficial in the long-term.

It was concluded there would be no significant impact on heritage assets.

### **Noise**

No additional impacts beyond those considered in 2006 have been identified and the existing conditions already provide adequate mitigation.

### Comments

Existing noise conditions would be re-imposed.

### **Geology/Land Quality**

No significant effects on geology and soils were identified in the 2006 ES and it was assessed this continued to be the case for the following reasons:

- No additional land take
- Landfilling and engineering operations are not proposed to change and therefore no impact on underlying geology
- No soils will be impacted upon

### **Socio-economic**

No significant socio-economic impacts were identified in the 2006 ES and the current application would see the existing staff employed for a further 10 years

Comment The number of staff has reduced since MSW ceased to be received at the site

## Basildon Borough Council Appraisal/Compliance of saved policies with NPPF

## Review of Local Plan Saved Policies – Compliance with NPPF (March 2012)

Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
<b>BAS GB1</b> The Definition of the Green Belt	<u>Compliant</u>	Paragraphs 81 – 86 deal with the approach that should be taken in defining green belts. Paragraphs 83, 153 and 157 give the basis for defining them in a Local Plan.	Yes
<b>BAS GB3</b> Replacement dwellings in the Green Belt	<u>Compliant</u>	Paragraphs 87,92 provide guidance relevant to these areas, supporting replacement and extensions providing it is not excessive, in addition to limited infilling or the complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within in than the existing development.  <i>Note: NPPF also supports non-residential enlargement, further reinforced by Changes to permitted development rights. It also defines certain development as not being inappropriate (subject to caveats) including mineral extraction, engineering operations, local transport infrastructure and development brought forward by a Community Right to Build Order.</i>	Yes
<b>BAS GB4</b> Extension to dwellings in the Green Belt	<u>Compliant</u>		Yes
<b>BAS GB5</b> Definition of a Dwelling	<u>Compliant</u>		
<b>BAS GB6</b> Agricultural Workers Dwellings	<u>Compliant</u>		
<b>BAS GB7</b> Re-use of Buildings in the Green Belt	<u>Compliant</u>		
<b>BAS S2</b> Housing Sites	<u>Generally Compliant</u>	However, of the list of identified sites, only one remains undeveloped. The NPPF supports sustainable development whilst indicating the importance of a supply of land to boost the supply of housing and meet the objectively assessed housing needs of the area. Paragraph 49 is clear that local planning policies for housing supply are not considered to be up to date if the LPA cannot demonstrate a five-year supply of deliverable housing sites.	
<b>BAS S3</b> Areas of Special Reserve	<u>Generally Compliant</u>	The NPPF supports sustainable development. Paragraph 49 is clear that local planning policies for housing supply are not considered to be up to date if	

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
			the LPA cannot demonstrate a five-year supply of deliverable housing sites.	
			Where a 5 year land supply cannot be demonstrated Areas of Special Reserve, as part of the allocated supply of sites could be required to come forward ahead of the completion of the Local Plan review.	
<b>BAS S5</b>	Affordable Housing (1999 Alterations)	<u>Compliant</u>	Para 50 supports the inclusion of affordable housing with development in accordance with set policies. Favours on-site provision but where robustly justified, can be supported off-site or by way of a financial contribution.	
<b>BAS C1</b>	Protected Areas – SSSIs, SNIC's & important wildlife habitats	<u>Compliant</u>	Paragraph 109 provides support for protecting and enhancing the natural environment. However, in stating that major developments should be refused in National Parks, the Broads and Areas of Outstanding Natural Beauty is may be interpreted to weaken the protection of areas with a lesser designation. Nevertheless, there are other paragraphs that reinforce the need to minimise impacts on biodiversity and geodiversity and to promote preservation, restoration and re-creation of priority habitats. Mitigation is encouraged with compensation regarded as a last resort.	
<b>BAS C2</b>	Country Parks – protects Country Parks from adverse development	<u>Compliant</u>		
<b>BAS C5</b>	Trees and Woodlands – Protection of Ancient Woodlands	<u>Compliant</u>		
<b>BAS C7</b>	The Marshes Area – protection from damaging development	<u>Compliant</u>		
<b>BAS C13</b>	Water Wildlife	<u>Compliant</u>		
<b>BAS C15</b>	Hazardous Substances – population's health and safety	<u>Compliant</u>	NPPF para 172 in its guidance on plan preparation states that policies should be based on up-to-date information on the location of major hazards and on the mitigation of the consequences of major accidents.	
<b>BAS C16</b>	Hazardous Substances – hazardous installations	<u>Compliant</u>		
<b>BAS E1</b>	Comprehensive Development Areas – Gardiners Lane South	<u>Generally Compliant</u>	Paragraph 9 of the NPPF promotes sustainable development, which includes making it easier for jobs to be created, replacing poor design with better design and improving the conditions in which people live, work, travel and take leisure. Para 19 stresses that significant weight should be placed on the need to support economic growth.	

Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
		<p>Para 21 determines that Local Plans should set criteria, or identify strategic sites for local an inward investment to meet anticipated needs over the plan period. Para 22 does stress however that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.</p> <p>Site BAS E1 is subject to an adopted Supplementary Planning Guidance in 2003 and a hybrid outline planning permission (subject to a s.106 agreement) in 2005 for a mixed use scheme of employment, residential and recreation uses; however its delivery in this form is not viable and therefore it has not been built. Para 22 advises that in circumstances where sites allocated have no reasonable prospect of being used for that purpose, Local Planning Authorities need to consider the merits for alternative uses for land or buildings having regard to market signals and the relative need for different land uses.</p> <p>The Council resolved to grant planning permission for a 15 pitch Gypsy and Traveller site subject to certain agreements was made in December 2012 given that its development would not prejudice the wider, comprehensive development of the site.</p>	
<b>BAS E2</b>	<u>Compliant</u>	<p>The NPPF's commitment to economic growth in order to create jobs and prosperity, (para 18 – 22) is seen as support for the provision and protection of employment areas to meet future needs for the area.</p>	
<b>BAS E3</b>	<u>Compliant</u>		
<b>BAS E4</b>	<u>Compliant</u>		
<b>BAS E5</b>	<u>Generally Compliant</u>	Paragraph 9 of the NPPF promotes sustainable development, which includes making it easier for	



Saved Policy	Conformity	Observations in relation to NPPF	Whether supported on appeal
Restrictive Automotive Research and Development Uses		<p>jobs to be created, replacing poor design with better design and improving the conditions in which people live, work, travel and take leisure.</p> <p>Para 22 stresses that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose – and that in these circumstances alternative uses for land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.</p> <p>Planning permission was granted for residential development on the eastern part of this site, where other material considerations such as the demands for housing, the lack of a 5 year land supply and particular circumstances of the application, justified a departure from the adopted policy.</p> <p>For the remainder of the site the policy is still compliant and covers the existing Ford Technical Centre cluster of buildings, test tracks and expansion land.</p>	
BAS E6	Unidty Industry	<u>Compliant</u>	
BAS E7	Alternative Uses of Industrial Premises	<u>Compliant</u>	
BAS E10	General Employment Policy	<u>Compliant</u>	Tested on appeal, that although allowed, gave support, just different interpretation/judgement
		The NPPF's commitment to economic growth in order to create jobs and prosperity, (paras 18 – 22), is seen as support for the provision and protection of employment areas to meet future needs for the area. Local policy encourages good design of new development reinforced in the general approach to design and improving the environment contained within section 7. Flexibility to accommodate alternative use is encouraged, but still seen to be compatible with BAS E7.	
BAS SH1	New Retail Development – sequential test	<u>Generally Compliant</u>	In Section 2, ensuring the vitality of town centres, the concept of the sequential approach to sites is



Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
			supported with the caveat on existing plans being up-to date. The NPPF defines what is meant by the terms edge of centre, out of centre and out of town.	
<b>BAS SH3</b>	Town Centre Retail Development Sites – land allocations	<u>Generally Compliant</u>	Whilst the NPPF supports ensuring the vitality of town centres and therefore a degree of compliance with the local policy, there may be other competing land uses, such as residential development or a mixed use, that may also be supported in these locations where seen as aiding economic recovery.	
<b>BAS SH4</b>	Town Centre Shopping Frontages – primary shopping frontages 1999 Alterations	<u>Generally Compliant</u>	Whilst the NPPF supports ensuring the vitality of town centres and therefore a degree of compliance with the local policy, some flexibility may be required and consideration given to viability issues where a change of use is resituated.	
<b>BAS SH5</b>	Town Centre Shopping Frontages – areas outside primary shopping frontages	<u>Generally Compliant</u>		
<b>BAS SH6</b>	Retailing on Industrial Estates	<u>Compliant</u>	This policy is consistent with the NPPF in supporting economic growth whilst protecting town centres.	
<b>BAS SH7</b>	Local Shopping Centres – new developments and extension to existing	<u>Compliant</u>	The local policy adopts a flexible approach and applies to small scale development serving local communities that is consistent with creating sustainable neighbourhoods.	
<b>BAS SH8</b>	Local Shopping Centres – protection of their retail function	<u>Compliant</u>	Consistent with the guidance in section 2 of the NPPF, however, consideration will need to be given to viability issues in considering changes of use.	Yes
<b>BAS SH9</b>	Temporary Retail Uses – boot sales Sunday markets etc.	<u>Generally Compliant</u>	The NPPF is silent on this matter, however, as these often occur in the Green Belt in Basildon Borough, the NPPF Green Belt policies and those of the Local Plan Saved Policies would be material in decision making.. If they are located within town centres however, they would be seen to contribute to the vitality of the area, (par 23).	
<b>BAS TC1</b>	District Wide Town Centre Policy	<u>Generally Compliant</u>	Aim of local policy is to protect town centre, however, greater attention may now be given to economic viability in assessing schemes with some loss of existing retail space potentially being accepted.	

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
<b>BAS TC3</b>	Wickford Town Centre – site allocation	<u>Compliant</u>	Policy refers to 2 sites where comprehensive development compatible with a town centre will be supported. This is seen as consistent with paragraph 23 of the NPPF that seeks to ensure the vitality of town centres.	
<b>BAS TC4</b>	Pitsea Town Centre – site allocation	<u>Compliant</u>	Part of this site has already been developed as a mixed use scheme, (residential and retail). However the remainder lends itself to uses appropriate to a town centre and consistent with paragraph 23 of the NPPF that seeks to ensure the vitality of town centres.	
<b>BAS TC5</b>	Markets – protection for Basilton, Pitsea and Wickford market sites	<u>Compliant</u>	In ensuring the vitality of town centres, (para 23), it states that local planning authorities should retain and enhance existing markets and, where appropriate, re-introduce or create new ones ensuring the markets remain attractive and competitive.	
<b>BAS TC6</b>	Residential Development in Town Centres – allows residential development in the town centres whilst protecting ground floor retail units from conversion to housing.	<u>Generally Compliant</u>	Section 2 of NPPF supports ensuring the vitality of town centres, the intent of the local policy. However, recent legislative changes promote a more flexible approach such that less support is given to the loss of ground floor shop units.	
<b>BAS R1</b>	Open Space - protection	<u>Generally Compliant</u>	Section 8 of the NPPF deals with promoting healthy communities, with high quality open space which encourage the active and continual use of public areas included as part of the criteria. This provides support for their protection, albeit this will need to be balanced with the need to accommodate more housing to meet demand.	
<b>BAS R4</b>	Proposed Open Space – Hannikens Farm, Billerica	<u>Generally Compliant</u>	Section 8 of the NPPF deals with promoting healthy communities, with high quality open space which encourage the active and continual use of public areas included as part of the criteria. This provides support for the provision of new open space in Billerica.	
<b>BAS R11</b>	Sports Facilities	<u>Limited</u>	The biodiversity qualities now present on this site	

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
	Allocation – Church Road/Basildon Road, Laindon	<u>Compliance</u>	may conflict with previous aspirations to develop the land for sporting facilities, but this would need to be assessed in accordance with detailed ecology surveys and the need to examine the potential for mitigation.	
<b>BAS R15</b>	Golf Courses –golf driving ranges design and siting considerations	<u>Compliant</u>	Local policy sets out need for minimising impact on visual and residential amenity which is consistent with the broader objectives of the NPPF.	
<b>BAS R16</b>	Noisy and Disturbing Sports - protects local amenity	<u>Compliant</u>	Whilst there appears to be no special reference to noise pollution and disturbance, design Para 17 seeks good standard of amenity for all existing and future occupants of land and buildings	
<b>BAS T5</b>	Public Transport – improved facilities at public transport interchanges	<u>Compliant</u>	Paras 29 – 41 focus on promoting sustainable transport which provides good support for local policy.	
<b>BAS BE12</b>	Development Control	<u>Compliant</u>	Section 7 of the NPPF focuses on the requirement for good design. Para 17 seeks good standard of amenity for all existing and future occupants of buildings. Paragraph 58 determines that policies and decisions should aim to ensure developments will function and will add to the overall quality of the area, establish a strong sense of place, respond to local character and history and be visually attractive as a result of good architecture and appropriate landscaping.	Support given on appeal, (including related DC guidelines)
<b>BAS BE13</b>	Areas of Special Development Control Policy - Ramsden Bellhouse	<u>Generally Compliant</u>	Within Section 7 relating to good design, is the recognition that development should respond to local character and history and reflect the identity of local surroundings and materials whilst not preventing or discouraging appropriate innovation. Whilst the NPPF supports the use of design codes, it insists that local policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, landscape, materials and access of new development in relation to neighbouring buildings and the local area more generally.	
<b>BAS BE14</b>	Areas of Special Development Control Policy – Sugden Avenue Wickford	<u>Generally Compliant</u>		Yes
<b>BAS BE15</b>	Areas of Special Development Control Policy – Bowers Gifford	<u>Generally Compliant</u>		

Saved Policy		Conformity	Observations in relation to NPPF	Whether supported on appeal
<b>BAS BE17</b>	Shop Fronts	<u>Compliant</u>	Section 7 of the NPPF focus on the requirement for good design, whilst section 2 seeks to ensure the vitality of town centres. Local policy is therefore seen to accord with these broader principles. Protection of local heritage and character is also a feature of the NPPF, (section 12), and this reinforces design control in Conservation Areas and for Listed Buildings.	Yes
<b>BAS BE18</b>	Advertisements – general	<u>Compliant</u>	Paragraphs 67 – 68 indicate the level of control that should apply to advertisements, in the interests of amenity and public safety. It is not specific on those located in the Green Belt, but the broader general NPPF Green Belt considerations will apply.	
<b>BAS BE19</b>	Advertisements – Green Belt	<u>Compliant</u>		
<b>BAS BE20</b>	Telecommunications	<u>Compliant</u>	Paragraphs 42 – 46 support a high quality communications infrastructure that is consistent with the criteria applied in local policy.	
<b>BAS BE21</b>	Healthcare Developments – new primary & community facilities	<u>Compliant</u>	Paragraph 69 provides general support for promoting healthy communities. It recognises the importance of social, recreational and cultural facilities and services the community needs, without specific reference to healthcare developments. Guidance on plan preparation, (para 171), advises working with public health leads and health organisations to understand and take account of health status and health needs of the local community.	
<b>BAS BE22</b>	Healthcare Developments – Extensions to Hospital facilities	<u>Compliant</u>		
<b>BAS BE24</b>	Crime Prevention	<u>Compliant</u>	Paragraphs 58 & 69 promote the creation of safe and accessible environments where crime and disorder and the fear of crime, do not undermine quality of life or community cohesion.	



**ESSEX COUNTY COUNCIL AS MINERAL AND WASTE PLANNING AUTHORITY'S HARM ASSESSMENT FORM**
**TO BE COMPLETED BY AN OFFICER WHO HAS INSPECTED THE DEVELOPMENT**

All retrospective refusal of planning permission will automatically receive a full investigation – do not complete form.

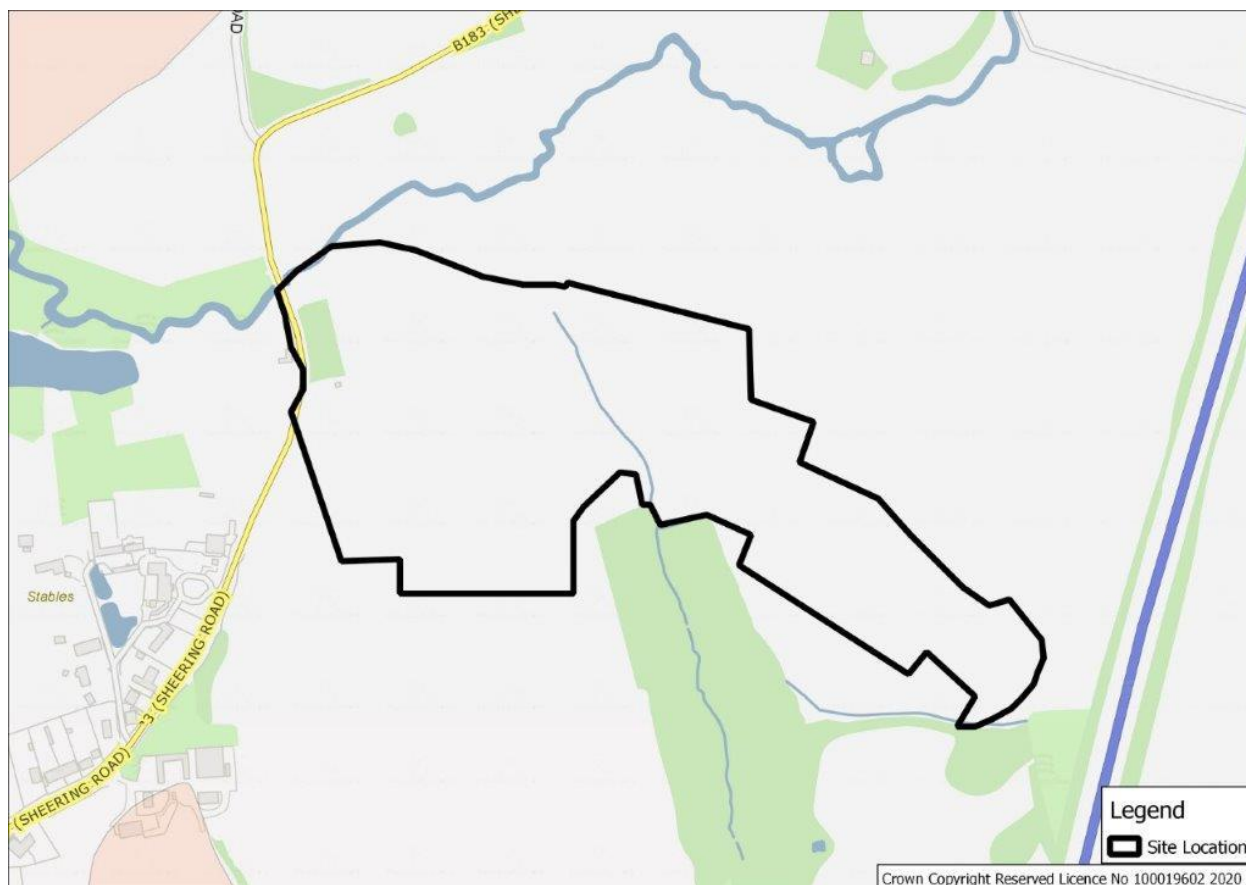
Each new complaint will be allocated scores as set out below to assess its harm. The total will provide its harm score in which its priority will be based.

Where there is no breach of planning control found, the case will be closed accordingly.

Points Allocation			Score
1	Is the breach:	Worsening/ongoing (1) Stable(0)	1
2	Highway safety issue:	Yes (2) No (0)	0
3	Other safety issues:	Yes (2) No (0)	0
4	Causing a statutory or serious environmental nuisance:	Yes (1) No (0)	0
5	Complainant:	Immediate neighbour/staff(2) Other/Parish Council(1) Anonymous/malicious (0)	1
6	Time Table i.e, (estimated period left before enforcement action can no longer be taken and lawful use/development rights exist)	Less than 6 Months left (2) Greater than 1 year left (1) Not applicable (0) More than 3 months old (0)	1
7	Development Plan Policy Breach	Yes (1) No (0)	0
8	Is the harm:	Widespread (2) Local (1) None (0)	0
9	Irreversible harm:	Yes(2) No (0)	0
10	Intensity of activity	High(1) Low (0)	0
11	Breach of a planning condition	Yes(1) No (0)	1
12	Prolonged detriment to amenity	Yes(1) No (0)	0
13	Existing enforcement action	Yes(1) No (0)	0
14	Safety hazards(To be specified)	Yes(1) No (0)	0
15	Undesirable precedent (please provide details)	Yes(1) No (0)	1
16	Visiting Officer	CLARE DONALDSON 20/12/19	
TOTAL POINTS (HARM SCORE)			5



<b>Report to:</b> DEVELOPMENT & REGULATION (24 January 2020)	
<b>COUNTY COUNCIL DEVELOPMENT</b>	
<b>Proposal:</b> Interim scheme to provide a dual carriageway link road between Sheering Road and the new M11 Junction 7A, to enable Junction 7A to become operational in the period prior to the construction of the approved Phase 2B	
<b>Ref:</b> CC/EPF/65/19	<b>Applicant:</b> Essex County Council
<b>Location:</b> Land between Sheering Road and the M11 Motorway	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Tom McCarthy Tel: 03330 320943	
The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



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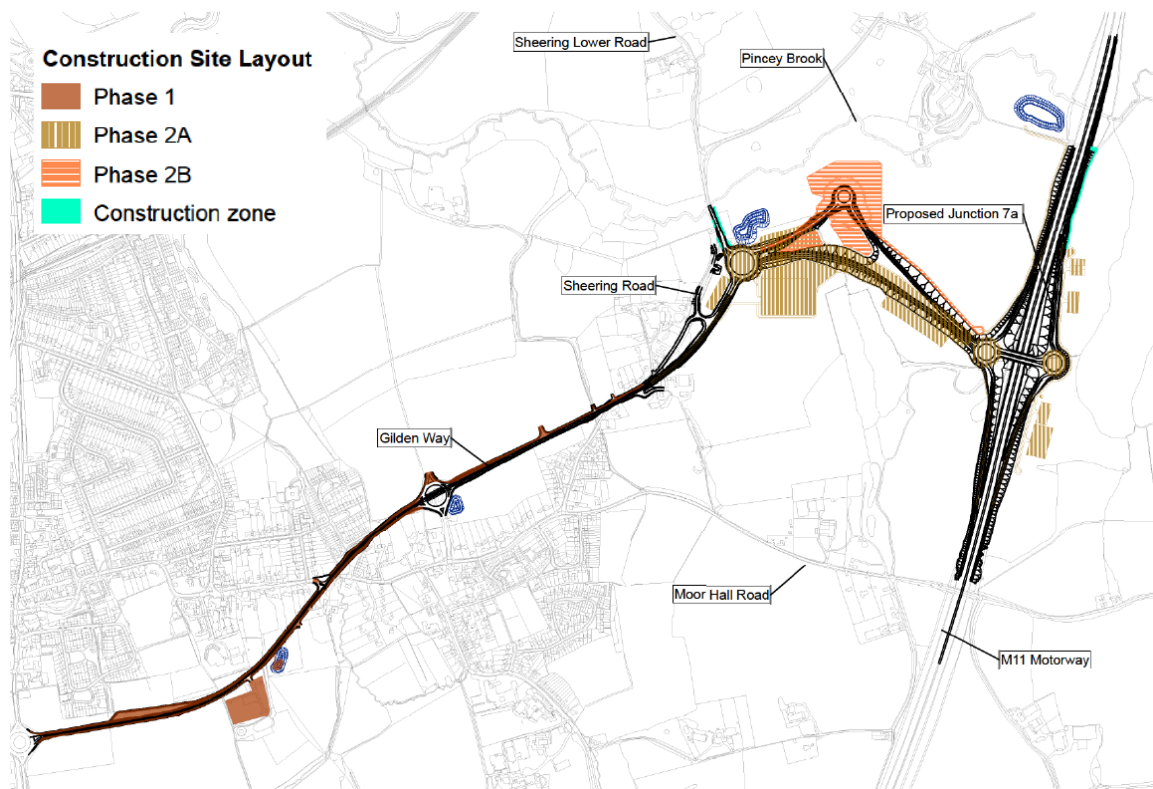
## 1. BACKGROUND

Planning permission for Junction 7A of the M11 was granted in July 2017 (application reference: CC/EPF/08/17). The scheme (junction) was designed to assist in both the alleviation of current traffic congestion around Harlow and to meet infrastructure requirements to support development ambitions for future growth.

The permission, which has been implemented/commenced, was originally scheduled to be constructed in three main phases:

- Phase 1 – widening and improvement works to Gilden Way;
- Phase 2A – the new motorway junction together with the southern arm of the link road and roundabout linking the new junction with Lower Sheering Road.
- Phase 2B – the northern arm and roundabout of the link road

Extract from 'Figure 2-3 Construction Site Layout', drawing no. B3553F05-0000-DR-0113 (Rev P0), dated 15/12/2016 (submitted and approved pursuant to CC/EPF/08/17)



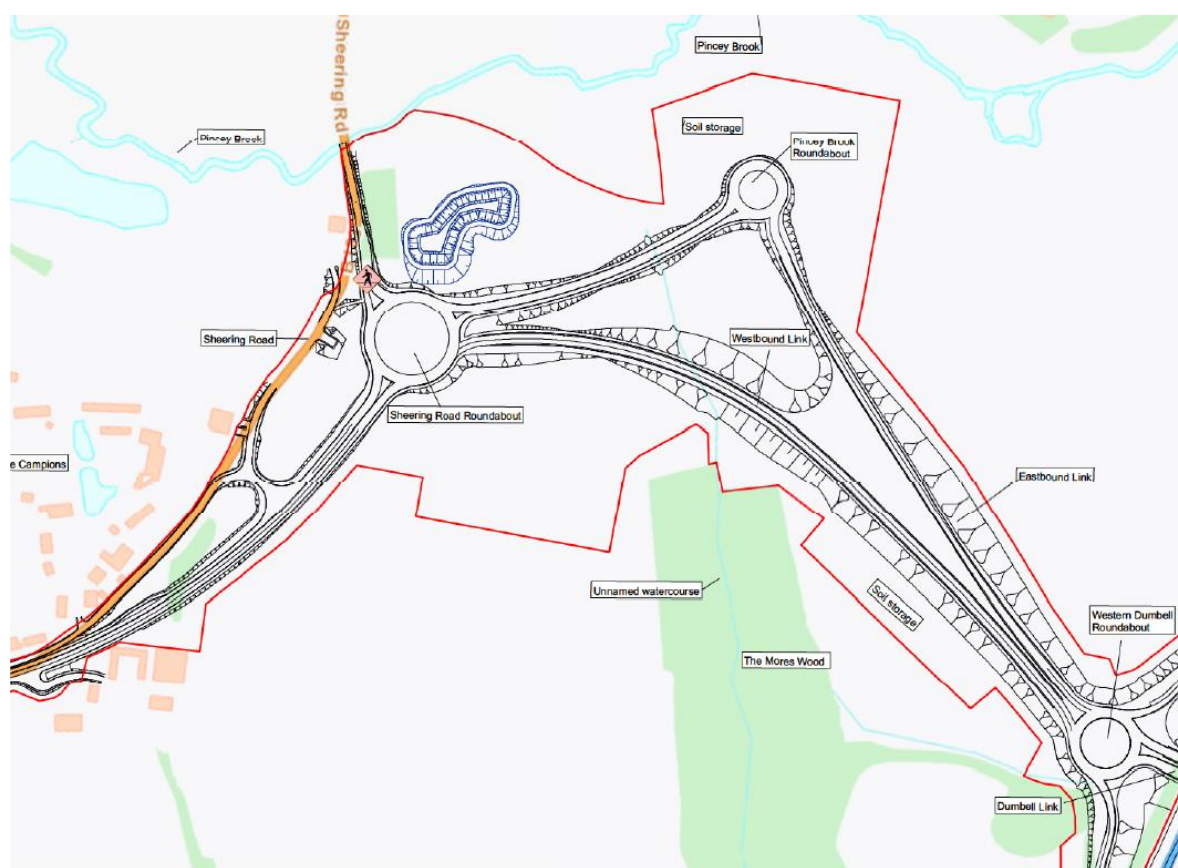
While works have commenced on phase 1, as time has passed and matters outside the immediate scope of planning and the proposal have evolved, the applicant has re-evaluated the (overall) scheme and its design to ensure best value, deliverability and outcome. In respect of this, it has been suggested (by the applicant) that it is now apparent that there is no short to medium term need for phase 2B; partly due to the anticipated phasing of emerging development and partly due to the desire to focus upon and prioritise sustainable non-motorised transport infrastructure for development to the north of Harlow (Gilston area).



Accordingly, the applicant is proposing to make changes to phase 2A to ensure that this provides a suitable link to the M11 in the short to medium term without the need for the northern (phase 2B) arm to come forward. That proposal is detailed and discussed in the proceeding sections of this report.

For reference, the below plan shows the scheme as currently approved with both phases 2A and 2B. As originally envisaged, the southern arm was designed to carry westbound traffic from the new junction towards Harlow, with the northern arm carrying eastbound traffic from Harlow towards the junction/M11. Phase 2B was proposed to be constructed immediately after phase 2A with the phase 2A link therefore only being used as single lane carriageway for both directions of travel as a temporary short term solution to allow the junction to operate as soon as possible.

Extract from 'Figure 2-1 Overall Site Layout Plan Sheet 3 of 4', drawing no. B3553F05-0000-DR-0149 (Rev P0), dated 03/01/2017 (submitted and approved pursuant to CC/EPF/08/17)



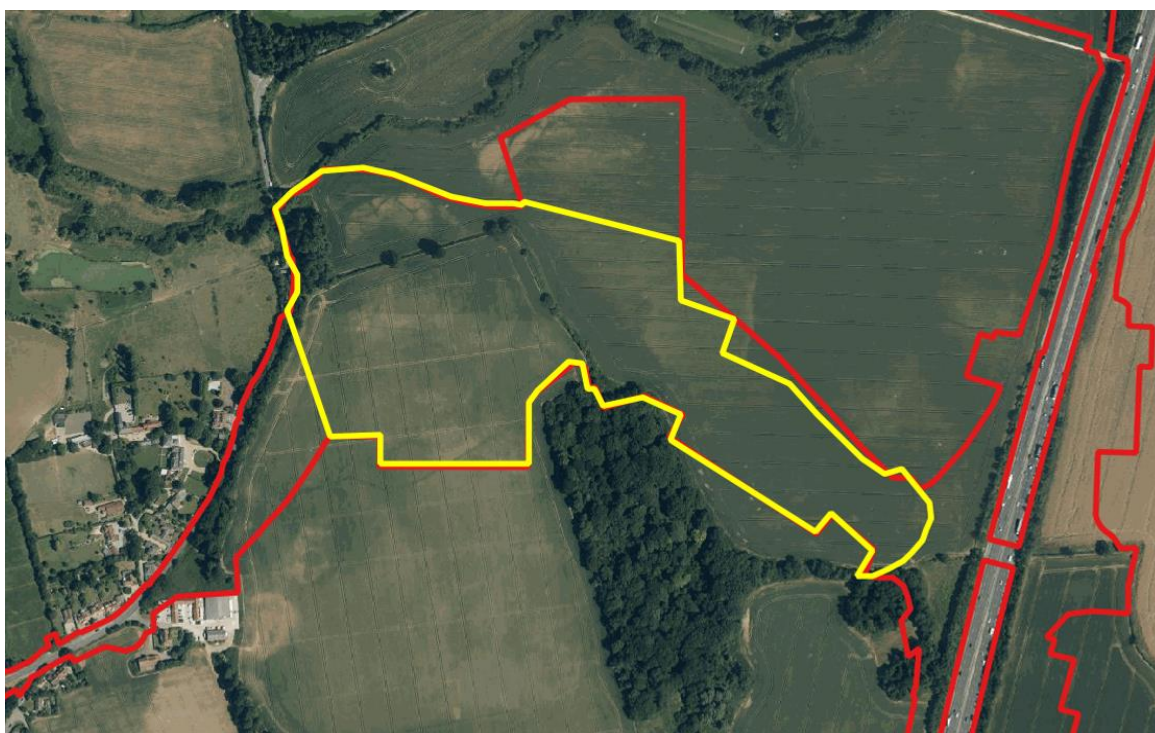
## 2. SITE

The area to which this application relates comprises some 14ha of land (yellow line as per below aerial photograph). This application comprises a far more limited site area in comparison to the 41ha which formed part of for CC/EPF/08/17 (red line as per below aerial photograph) as the applicant also included the area required to facilitate the link road. To confirm, the application now comprises only land which was/is included in the red line for CC/EPF/08/17 with no additional land take proposed.

In terms of designations the red line application area lies solely within the administrative area of Epping Forest District. The site forms part of the Metropolitan Green Belt; lies within the safeguarding area for Stansted Airport and is partially located within flood zone 2/3, as per mapping produced by the Environment Agency.

Currently, whilst planning permission has been granted for Junction 7A, as existing the land to which this application relates is open countryside in arable cultivation, noting works on this phase of the development have yet to commence.

#### 2015 Aerial photograph showing application boundary

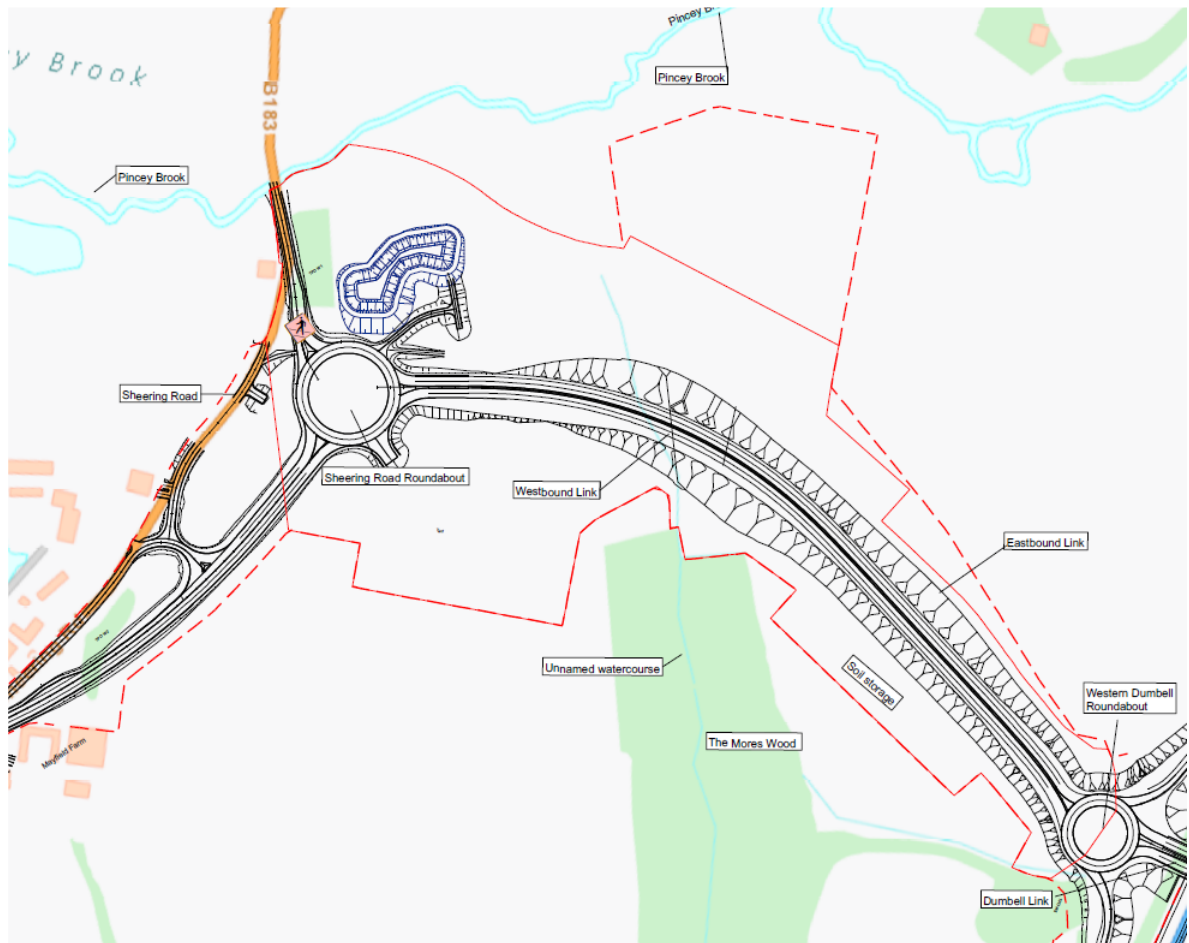


For completeness, albeit discussed in detail later in this report, it is confirmed that the site and surrounding area is proposed to be removed from the Green Belt within the emerging Epping Forest District Council Local Plan in support of a site allocation for comprehensive development.

### **3. PROPOSAL**

This planning application has been submitted as an interim scheme to allow the junction to operate/function, without phase 2B, and bridge the gap until such a time as there is more certainty over planned growth to require phase 2B. With respect of this, the interim proposal is to increase the phase 2A link road to a dual carriageway on a wider embankment. To facilitate this, it is also proposed to lengthen the culvert under the embankment; slightly amend the drainage pond adjacent to Campions roundabout; and make minor amendments to the access arrangements for the fields adjacent to the link road.

Extract from drawing titled 'Figure 2-1 Alternative Phase 2A Design Overall Site Layout Plan Sheet 3 of 4', drawing no. B3553F05-3000-DR-0703 (Rev P0), dated 12/02/19



When phase 2B is required the design is proposed to revert from this interim scheme to the scheme previous approved (including removing the additional carriageway width). Without prejudice, it has however been suggested that some elements of the interim scheme may need to remain, in perpetuity, for safety reasons; for example, reducing the width of the widened embankment in the transition between phase 2A and phase 2B may result in stability issues, so it may be preferable to retain the embankment but remove the redundant carriageway once phase 2B has been constructed. The alterations to phase 2B cannot be finalised at this time as the exact timescale for when phase will be required is uncertain. To confirm, any alternative proposals to the currently approved phase 2B would nevertheless be the subject of a fresh planning application and an associated EIA at a later date.

The construction programme for phases 1 and the new phase 2A (inclusive of the interim scheme) is predicted to be 35 months. Construction hours are generally proposed from 08:00 to 18:00, with no night-time work specifically envisaged to build out the link road to which this application relates. Overnight works, for approximately two nights, would nevertheless be required to tie the new link road into the existing local road network at the Campions Roundabout. However, these works will not necessitate any road closures.

The application is accompanied by an Environmental Statement Addendum (submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017). A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary) and a comparison to the existing permitted scheme is provided at Appendix 1. In addition to this an additional assessment has also been submitted which seeks to cover climate, major accidents and human health (additional topics specifically introduced by the 2017 EIA Regulations).

Officers are content that the Addendum and additional assessment submitted accord with the Regulations.

#### **4. POLICIES**

The following policies of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008) (EFLP) provide the development plan framework for this application. The following policies are of relevance to this application:

- CP1 – Achieving Sustainable Development Objectives
- CP2 – Protecting the Quality of the Rural and Built Environment
- CP6 – Achieving Sustainable Urban Development Patterns
- CP9 – Sustainable Transport
- GB1 – Green Belt Boundary
- GB2A – Development in the Green Belt
- HC1 – Scheduled Monuments and Other Archaeological Sites
- NC3 – Replacement of Lost Habitat
- NC4 – Protection of Established Habitat
- RP3 – Water Quality
- RP5A – Adverse Environmental Impacts
- RST3 – Loss or Diversion of Rights of Way
- U1 – Infrastructure Adequacy
- U2A – Development in Flood Risk Areas
- U2B – Flood Risk Assessment Zones
- U3A – Catchment Effects
- U3B – Sustainable Drainage Systems
- DBE1 – Design of New Buildings
- DBE2 – Effect on Neighbouring Properties
- DBE4 – Design in the Green Belt
- DBE9 – Loss of Amenity
- LL1 – Rural Landscape
- LL2 – Inappropriate Rural Development
- LL7 – Planting Protection and Care of Trees
- LL8 – Works to Preserved Trees
- LL9 – Felling of Preserved Trees
- LL10 – Adequacy of Provision for Landscape Retention
- LL11 – Landscaping Schemes
- ST3 – Transport Assessment
- ST4 – Road Safety
- ST5 – Travel Plans
- ST7 – New Roads and Extensions or Improvements to Existing Roads
- ST9 – Stansted Aerodrome Safeguarding



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

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

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

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

Epping Forest District Council submitted a replacement Local Plan to the Secretary of State for Examination in Public (EiP) on 21 September 2018. Following hearing sessions in respect of the Plan, the Inspector advised that changes to the Plan would be required to remedy issues of soundness in the form of Main Modifications. Epping Forest District Council subsequently issued a response to this advice in October 2019 and in January 2020 confirmed that they considered all actions arising from the hearing sessions was now complete. Further instruction/guidance is therefore awaited from the Inspector.

At the current time, in view of the above, the emerging Plan is considered to hold limited weight in the determination of applications. Until the Plan has been sound and adopted, policies within the existing adopted Local Plan (1998) and Alterations

(2006) are considered to form the development plan. Albeit, reference (as considered appropriate) will be made to emerging plan, when appropriate, for context of future aspirations/policy positions.

## **5. CONSULTATIONS**

Summarised as follows:

EPPING FOREST DISTRICT COUNCIL – No comments received.

HARLOW DISTRICT COUNCIL – No comments received.

NATIONAL PLANNING CASEWORK UNIT – No comments received.

ENVIRONMENT AGENCY – No objection subject to the planning conditions imposed on the previous scheme being re-imposed, albeit updated as appropriate in terms of paragraph references within the NPPF. The aforementioned conditions include a remediation strategy to deal with risks associated with contamination; a verification report demonstrating the completion of works set out in the approved remediation strategy; prevention on the use of penetrative piling methods; the decommissioning of investigative boreholes; no infiltration drainage; and final details of a scheme to demonstrate if and how compensatory flood storage would be provided.

NATURAL ENGLAND – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

HISTORIC ENGLAND – No objection. The additional heritage assessment submitted does not seem to state any firm conclusions in terms of the level of harm to the significance of heritage assets. Although in our view, on the basis of the material that has been submitted, it would seem reasonable to conclude that the impact of the amended road scheme upon the setting of heritage assets is likely to result in harm that is less than substantial. We therefore advise that if your authority is minded to approve this planning application that it satisfies itself that any harm to significance of heritage assets that it identifies is substantiated by clear and convincing justification (NPPF paragraph 194) and that any public benefit that is delivered by the proposal is sufficient to outweigh that harm (NPPF paragraph 196).

HIGHWAYS ENGLAND – No objection.

HIGHWAY AUTHORITY – No objection.

STANSTED AIRPORT – No objection.

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

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

#### COUNTY COUNCIL'S NOISE, AIR QUALITY AND LIGHTING CONSULTANTS

Noise – No objection subject to the inclusion of a condition mirroring Condition 20 of the existing permission which requires development of a detailed Noise Mitigation Plan.

Air Quality – No objection subject to the inclusion of a condition mirroring Condition 3 of the existing permission which requires development of a Dust Management Plan.

Lighting – We have reviewed the information submitted in support of the application for the Proposed Alternative Scheme and note that the designers have reduced the lighting column height in the vicinity of the culvert as per the Environmental Statement and best practice. The choice of lighting specification will theoretically force bats through the culvert so is considered acceptable.

In response to an initial query regarding shielding and the 5m high fence proposed at the rear of the verge, the applicant's agent confirmed that 'it is necessary to read the Lighting Drawing B3553F05-1300-DR-0005 in conjunction with the Key Drawing B3553F05-1300-DR-0015 and the Environmental Addendum paragraph 8.6.2.3. Note 6 on the Key Drawing B3553F05-1300-DR-0015 states: Bat mitigation has been considered and implemented on columns NC99 – NC107 to allow a flight path; and paragraph 8.6.2.3 of the Environmental Addendum describes the bat mitigation – and includes: '...The luminaires adjacent to the 'hop-over' would be of the shorter specification (6mAGL) and shielded to prevent light spill above the horizontal, thus preserving a dark flight line in the upper canopy...'. Taking into account the clarification provided, no objection is raised to the development coming forward.

#### COUNTY COUNCIL'S LANDSCAPE, HISTORIC BUILDINGS, ARCHAEOLOGY, ECOLOGY AND TREE CONSULTANTS –

Landscape – Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. Valued landscapes can be nationally and/or locally designated and/or landscapes that have valuable characteristics and qualities. For this reason, it is important to ensure that local landscape features or characteristics are respected and where possible, enhanced. In respect of this it is suggested that screening/mitigation planting should take place in advance of commencement to allow for additional time to establish; and a review of the position and design of the noise barrier should be undertaken to try and keep as many landscape features as possible or incorporate this existing planting with the noise barriers rather than removing and then replacing with alternative/new planting. In addition, a few concerns/issues are raised about number/referencing with the documents submitted.

Historic Buildings – No comments to make.

Archaeology – Discussions have taken place with the applicant's agent regarding the need to undertake appropriate archaeological investigation to allow an understanding of the significance of the heritage assets already identified and assess the impact of the scheme on these. At present a desk-based assessment and geophysical survey have been undertaken which identified a range of archaeological assets on and adjacent to the route corridor. Advice subsequently provided was that a phase of archaeological trial-trenching is required to understand the significance of these assets. At present this (trial-trenching) has not occurred and as such it is considered that the applicant does not have sufficient information to fully understand/assess potential impact.

In our discussions we have already agreed that some trial trenching on those areas with a lower potential for archaeological remains can be undertaken by condition. However, this does not mean that the applicant has a full grasp of the potential large-scale archaeological mitigation that will be required if unforeseen archaeological deposits are identified.

In conclusion it is our recommendation that the archaeological trial-trenching on the area of known assets is undertaken as soon as possible and that a decision is not taken on the road until this work is completed. Should a decision be made before such investigation is undertaken, is considered vital that appropriate pre-commencement conditions are secured for this work to be undertaken.

Ecology – The proposed link-road changes are predominately on arable land situated between Harlow and the M11. It is understood that the proposed dual carriageway for the link road may be a temporary solution and could be removed at a later date if Phase 2B of the approved scheme is built. However, in the meantime any ecology in this area would have already been lost. Furthermore, newly created habitats may not reach their potential if the previously approved scheme is created later. The proposal to dual the link road would create a wider north-south barrier for wildlife.

The Environmental Statement states that additional species surveys have been done. However, they do not appear to have been provided as part of this application, while the surveys submitted for the 2017 application (CC/EPF/08/17) have.

Mindful that increasing the size/width of the link road (and embankment) potentially would create a more significant barrier for wildlife, consideration should be given to the effectiveness of the bat hop-over and the proposed multi-species underpass. In respect of this, and bats, it is noted that trees in the vicinity were assessed for bat roosts in 2014. New guidance on bats and sensitive lighting has recently been issued. It should be ensured that the proposals comply with this.

In addition to the above recommendations are made in terms of the proposed landscaping; and ecological monitoring and management.

Trees – Support the comments made by the landscape consultant. Whilst it is accepted that there is a need for the link road, it is to the detriment of the scheme that it will require the removal of so many good quality trees and hedges with the



associated loss of habitats, both from the rural and urban (Gilden Way/Sheering Road) parts of the site. New planting cannot entirely mitigate for the loss of historic hedges, trees and landscape features.

It is recommended that given the scale of the development, an Arboricultural Clerk of Works is appointed to oversee the removal of vegetation and construction thereafter.

MATCHING PARISH COUNCIL – No comments received.

SHEERING PARISH COUNCIL – Suggest that detailed within the Planning Statement about timetabling and the duration of works does not take into account the effect of the current programme delays for the road widening works on Gilden Way and the availability of upgraded traffic routes suitable for construction traffic. The current utility/infrastructure works have been delayed causing the residents of Sheering and the surrounding areas extreme delays when approaching Harlow along the B183. There has also been disruption to local businesses such as the Mayfields development near to Ealing Bridge during the past two years.

The Construction Phase Traffic and Transportation Impact Assessment Report states all construction traffic, including up to 250 staff vehicles, would approach the site from Harlow. Suggesting that no vehicles will be travelling from the Sheering direction towards the site, especially cars is completely unrealistic. Congestion around Harlow will result in drivers finding alternative routes through the local rural roads especially Sheering Lower Road and along the B183 through Sheering village past the local primary school.

It would therefore be advantageous and perhaps realistic considering contractor's site hours, to have their office working hours staggered starting at 7am to avoid traffic congestion during school drop off and pick up times. Travel to and from the site should be restricted or ideally barred during peak hours.

As for construction vehicles, the numbers of heavy vehicles have been estimated and their routes have been assumed to be via the widened B183 (A1025) into Harlow and via the M11. The impact of these traffic movements would, as far as we can find, take no account of the large increase in traffic in and out of the Gilden Park development.

It is stated that the traffic routes “will be a matter for the contractor to decide” and we must insist, as a condition of the granting of planning permission, that no construction vehicles are to use any other routes but especially through Sheering and Lower Sheering. Though guidance “signage” is mentioned, as to which routes should be used, (and possibly when), it does not appear as if any sanctions could or will be imposed if these are ignored, though we are unsure if it were legally possible to enforce them. We therefore demand that if the widening of Gilden Way is not finished by the commencement date, that vehicles must be routed along the M11 and not through local roads causing further delays and pollution.

Our view is that a weight restriction through our roads should be at least a temporary measure, though we would prefer it to be permanent, to restrict the routes of the vehicles should they stray from the prescribed and agreed route.

We also note that night time working is proposed on the M11, with the associated noise and light disturbance to neighbouring properties. Closure of the M11 is also proposed for a period of at least 15 days for the bridge to be installed. A 34 mile diversion route through Sawbridgeworth and Hatfield Heath is proposed for the M11 traffic, and we request that this is enforced so that traffic does not pass through Sheering and our rural roads, unless an emergency situation occurs.

Whilst it is stated in the Planning Statement that night time work on the B183 and Gilden Way (Phase 1) is not anticipated, the connecting link roads from the new Campions roundabout onto the B183 are scheduled for “out of hours working”, which elsewhere is defined as 22:00 to 05:00. It would appear inevitable that access along the B183 could be further constrained during this period causing further traffic delays with the potential use of traffic lights pushing traffic to use alternative routes. As with the main development, out of hours working will cause noise and light disturbance to neighbouring properties who appear not to have received formal notification of the availability of this documentation and therefore the opportunity to comment in person.

If this coincides with the scheduled “full closure” of the M11, it is difficult to envisage how there will be little increase in traffic through Sheering, albeit (possibly) for a few days.

LOCAL MEMBER – EPPING FOREST – North Weald and Nazeing – No comments.

LOCAL MEMBER – HARLOW – Harlow North – Any comments received will be reported.

## 6. REPRESENTATIONS

This application was advertised by way of site notice and press advert. 16 properties were also directly notified of the application. One letter of representation has been received. This relates to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
100% against the link road being upgraded to a dual carriageway. The bad news keeps on coming – link road, houses, hospital and now dual carriageway.	Noted. See appraisal.
The fact that the road has been upgraded to a dual carriageway suggests that you anticipate more traffic. This will mean more noise and pollution.	See appraisal.
Negative value of my house.	Property value alone is not a material planning consideration.
I am at a loss as to understand how so	See appraisal.

much major development can be acceptable in an area of natural countryside, wildlife, and historical listed buildings.

## **7. APPRAISAL**

The key issues for consideration are:

- Principle of Development
- Green Belt
- Landscape, Trees and Ecology
- Heritage
- Amenity
- Flood Risk and Drainage
- Highways

### **PRINCIPLE OF DEVELOPMENT**

The NPPF at paragraph 8 when describing sustainable development states that in an economic role, the planning system should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

Expanding, paragraph 81 states that policies should c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment.

Specifically, in terms of transport, paragraph 102 details that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

As outlined in the officer's committee report when planning permission was first granted for Junction 7A, numerous studies have sought to suggest and demonstrate that Harlow is a suitable location for growth. However as noted in the Essex Transport Strategy (2011) and in-particular in Highways England's Route

Strategy London to Leeds (2017) as existing 'the growth of Harlow is constrained by the capacity of Junction 7'.

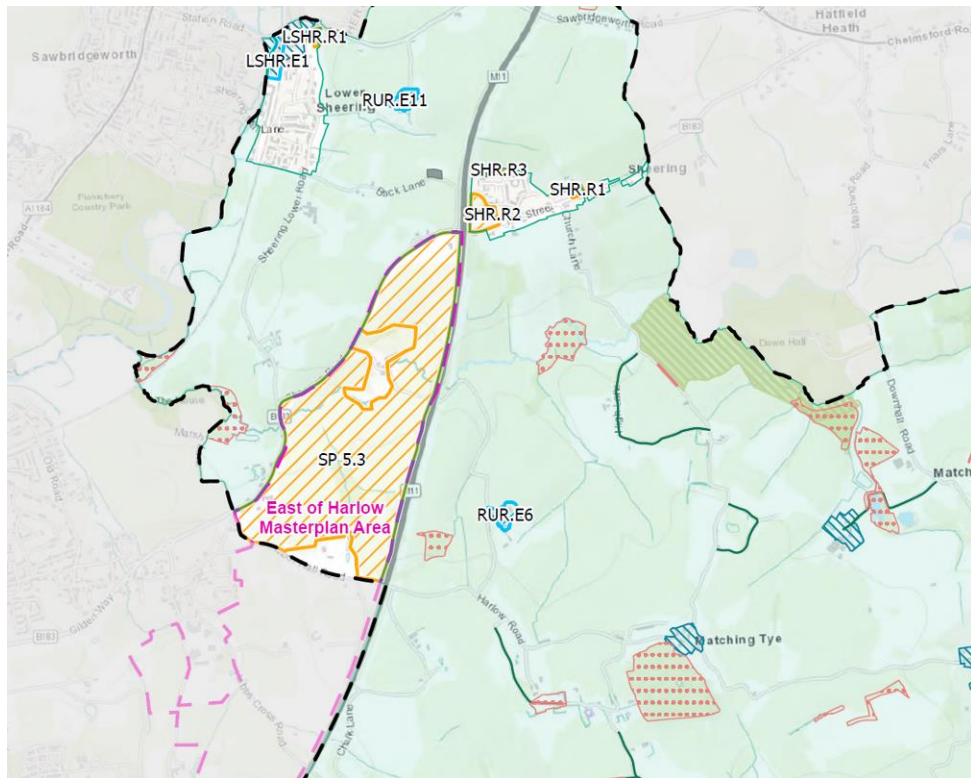
Junction 7A was/is designed to relieve some of the congestion at Junction 7 and to improve traffic flows in and around Harlow by providing an alternative route to the north-east of the town. Without Junction 7A, albeit this is only one of a few improvement schemes proposed, future traffic congestion is expected to worsen at Junction 7 in view of forecast residential growth. In respect of this, both Harlow and East Hertfordshire Local Plans are therefore reliant on Junction 7A coming forward to support future growth and site allocations.

Policy ST7 of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008) (EFLP) relates specifically to new roads and extensions or improvements to existing roads. The policy states that such schemes should satisfy the following criteria:

- i. minimal environmental impact on sensitive areas (including open countryside and its management, sites of wildlife and built heritage interest, and residential areas) with adequate compensatory measures in those cases where environmental losses are unavoidable;
- ii. minimal adverse impact on road safety and traffic congestion;
- iii. minimal disruption to, or realignment of, the rights of way network; and
- iv. retention of a defensible green boundary and minimal loss of Green Belt land.

These factors are considered in the proceeding sections of the report with regard to the interim scheme. However, in more broader/principle of development terms, policy CP6 of the EFLP seeks to ensure development and economic growth comes forward in a sustainable manner to counter trends to more dispersed patterns of living, employment and travel. Whilst it is accepted that Junction 7A is proposed to support/enable new areas of growth, this is considered planned, concentrated growth to which the policy supports (albeit largely in this instance outside of the administrative area of Epping Forest). In turn the policy nevertheless suggests (iv) that priority should be given to infrastructure and transport proposals that will facilitate such development.

In respect of this, and that the land to which this application relates falls within the administrative area of EFDC, EFDC within their emerging plan have acknowledged that an element of development to support growth in Harlow has likely got to take place outside of Harlow. In accepting this, and working with Harlow, the area to which this application relates within the proposals map, accompanying the emerging EFDC plan, is proposed to be removed from the Green Belt and allocated for comprehensive high quality development – site allocation: SP5.3 – East of Harlow.



As detailed within the 'Proposal' section of this report, the proposed introduction of an interim phase to the development is to ensure initial deliverability and capacity in the short and medium terms. Whilst the overall impact of the interim scheme and its effectiveness, in terms of the original aspirations for Junction 7A, are discussed in the proceeding sections, no principle objection is considered to exist for this reason. This view is taken on the basis that the principle of Junction 7A is embellished in adopted and emerging policy with the extant planning permission also confirming the land use.

To confirm, no additional land outside the red line of the extant planning permission is needed to facilitate the interim scheme. Whilst there may be additional or different impacts, as a result of widened dual carriageway/embankment, it is not considered that the interim scheme seeks a fundamental departure from the principle of development as established by the extant planning permission.

## GREEN BELT

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

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

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

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

Expanding on this paragraphs 145 and 146 detail certain forms of development that are not inappropriate provided they preserve its openness and do not conflict with the purpose of including land within it. Policy GB2A of the EFLP follows in a similar vein albeit the list of exceptions detailed within this policy is considered out of date as this does not reflect that now suggested in the NPPF. Paragraph 146 of the NPPF includes: b) engineering operations and c) local transport infrastructure which can demonstrate a requirement for a Green Belt location.

Local transport infrastructure is not defined within the NPPF. However, it is noted that reference in a number of appeal decisions reviewed, nationally, has found that generally this is considered to mean physical assets which enable people and goods to move about efficiently.

When planning permission was granted for Junction 7A, the officer's report assessed the proposal (as a whole) as inappropriate development having regard to the nature, scale and location of the proposed motorway junction. It was subsequently considered that the development would conflict with the purpose of including land in Green Belt as it would not assist in safeguarding the countryside from encroachment. In granting planning permission it was however considered "that very special circumstances did exist such that the potential harm to the Green Belt by reason of inappropriateness, and any other harm (loss of trees, visual impact, lighting), was clearly outweighed by the need for the road scheme and wider public benefits taking account of the proposal to amend the Green Belt boundary in the emerging local plan".

Whilst the circumstances/justification advanced in support of this application have not fundamentally changed, it is considered that the interim scheme has the potential to give rise to additional or different impact (or harms to openness) given the enlarged embankment of the southern link road.

In respect of this, noting the conclusions when planning permission was first granted, it is considered that it would be wrong to suggest or consider this proposal as anything but inappropriate development. Albeit acknowledged that any re-assessment of inappropriateness, harm and very special circumstances would relate to solely the provision of the interim phase and if any additional or new

identified impacts/harms tip the scales/planning balance the other way.

An assessment in respect of this and the site-specific issues associated with the interim scheme can be found below.

## LANDSCAPE, TREES AND ECOLOGY

### Landscape and Trees

Policy CP2 of the EFLP inter-alia aims to ensure that the quality of the rural and built environment is maintained, conserved and improved. Expanding of this policies LL1 and LL2 relate specifically to the rural landscape and inappropriate rural development with policy LL10 stating planning permission should be refused for any development which makes inadequate provision for the retention of trees; natural features, particularly wildlife habitats such as woodlands, hedgerows, ponds and watercourses; or man-made features of historical, archaeological or landscape significance.

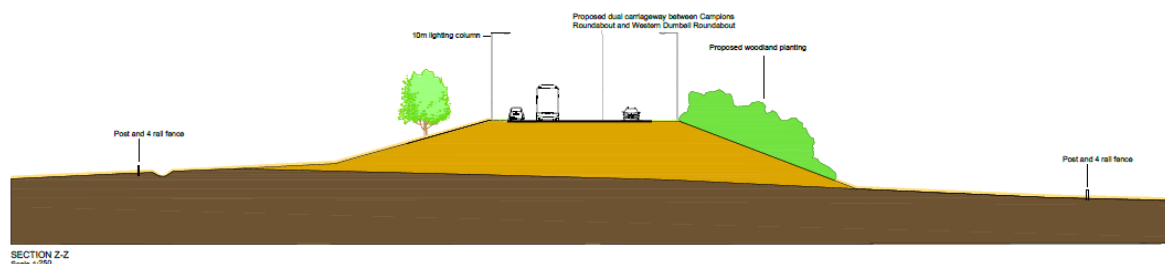
In terms of the Green Belt, policy DBE4 states that new buildings will be required to ensure their location respects the wider landscape setting of the site; and is designed to respect local character.

The Environmental Statement Addendum submitted in support of this application seeks to suggest that the landscape character baseline for assessment of impact remains as considered when planning permission was first granted. In terms of assessment the Addendum has however sought to review the original Environmental Statement, with reference to the interim scheme, and in doing so assess impact during construction and during operation; consider the effectiveness of mitigation proposed and then identify any residual effects.

With respect of this and construction, the proposed link would be built on an embankment close to mature trees on the north-west of Mores Wood (which is subject of a Tree Preservation Order). The embankment would not affect the trees or their root zones but a highway drainage ditch and a construction haul route along the foot of the embankment could affect parts of the root zones of trees at the corner of the wood. Some clumps of small trees, shrubs and bramble along a small stream that emerges from Mores Wood would also need to be removed to construct the link road.

The interim link road would follow the same alignment of the approved southern link, albeit to facilitate this as a dual carriageway the embankment in which the road would sit would be enlarged. The height of the embankment is not however proposed to increase above levels previous approved (4.4m for the roundabouts and bridge and 8.5m for the link road).

Extract from drawing titled 'Landscape and Ecology Sections Figure 7-4a' showing section through the interim link double carriageway road



The effect of the interim scheme, in terms of the landscape, is predicted by the applicant to be greatest on the countryside of the Pincey Brook valley between the M11 and Sheering Road. The finished scheme would occupy some 5.92ha of agricultural land in this area and would result in the loss of an additional 0.1 hectares of woodland, scrub vegetation and/or hedges, in comparison to the approved scheme.

The Pincey Brook valley forms part of the Little Hallingbury Ridges and Slopes Character Area. At completion of construction and opening of the road to traffic, the link road on the embankment and the Campions Roundabout with lighting and signage would dominate and the relative tranquillity of the valley away from the M11 would be noticeably reduced.

The Zone of Theoretical Visibility for the interim scheme is predicted to be slightly reduced, in comparison to the approved scheme. However, it is not considered that this reduction would materially change the overall visual impact. The Landscape and Visual Impact Assessment accordingly maintains that the local effect on the character area would be 'large adverse' but on the area as a whole the effect would be 'slight adverse'.

The below plan shows the landscape mitigation proposed to reduce or offset the aforementioned impact. In respect of this, whilst the arrangement of the planting has been amended to accommodate the dualling of the link road, the overarching principles/aims of the mitigation align with the original permission. In respect of this, woodland planting and tree and shrub belts are proposed either side of the link road and would generally consist of native species found in the area. The embankments themselves would also be sown as species-rich grassland including Betony, a valued locally rare plant lost from the Churchgate Roundabout site.



Extract from drawing titled 'Alternative Phase 2A Design Landscape Mitigation Figure 7-3a', drawing no. B3553F05-3000-DR-0758 (Rev P01), dated Aug 19



In terms of the proposed culvert, from a landscape perspective, where the watercourse emerges from the north side of Mores Wood this would be diverted and placed into a culvert under the embankment of the interim scheme. The realigned stream would continue in a gentle curve to Pincey Brook, in contrast to the continuation of the existing course which is piped under the field. The realignment is suggested as a net landscape improvement.

Overall, in context of the above, it is not considered that the proposed interim scheme would give rise to more significant landscape impacts or harm to Green Belt openness than the approved scheme. The interim scheme does not include the phase 2B link which accordingly reduces the overall land take and the mitigation/landscaping proposed to offset the widened embankment is considered in line with the principles previously established and deemed acceptable.

In due course when phase 2B does come forward it is considered that there may be additional unassessed temporary landscape impacts, as a result of established landscaping mitigation potentially being lost to facilitate the construction of phase 2B. However, once constructed, the landscape mitigation deemed acceptable for the scheme originally would be required to be implemented. Accordingly, this short term impact is not considered significant in context. A condition requiring removal/decommission of the interim phase 2A link road to the original phase 2A would however be needed, should planning permission be granted, to ensure no additional landscape impact or harm to openness as a result of the enlarged

embankment.

### Ecology

Some concern has been raised by the Council's ecological consultant about the potential effect widening the embankment may have for wildlife. The potential barrier effect of the embankment is however proposed to offset by the extending the originally proposed species underpass tunnel and incorporating a lighting panel in the central reservation to provide additional light for the tunnel. For species such as bats, the 5m high hop overs proposed are also suggested as still being effective despite the dualling of the road which widens the gap for bats to fly over.

Although it is acknowledged that mitigation would need to be monitored to ensure effectiveness, it is not considered that the proposed interim scheme would give rise to any ecological impact at a level to warrant further consideration or refusal in context of policies NC3 and NC4 of the EFLP.

In respect of this, it is noted that Natural England has not objected to the development coming forward and the Environment Agency have suggested that they consider that the (ecological) assessment undertaken has been quite thorough, the mitigation appears adequate and there is Biodiversity Net Gain being delivered as an outcome.

### HERITAGE

No additional or differing degree of impact to any features of historic value are suggested by the applicant within the submitted Addendum to the Environmental Statement.

As originally acknowledged when planning permission was first granted for the Junction, no historic buildings would be physically affected by the proposals. That said, it was considered that there would less than substantial impact on the setting of some buildings in the vicinity of the proposed scheme. As suggested by Historic England, in accordance with the NPPF, the Local Planning Authority must be satisfied, if planning permission is to be granted, that there is clear and convincing justification for the development and the harm is clearly outweighed by other public benefits.

The public benefits advanced in terms of the overarching need for the development were previously considered, as part of the officer's report for the extant planning permission, to clearly outweigh the less than substantial harm identified. Mindful of this, and that no additional harm has been identified as a result of the interim scheme, no overall objection in terms of impact to historic buildings is raised.

In terms of archaeology, it is noted that the Council's consultant has encouraged the developer to undertake on-site trial trenching upfront to further inform what may be required in terms of archaeological mitigation/preservation. The applicant did not take on board this advice. However, it is not considered that this is fundamentally a reason to refuse or defer determination. As per the extant planning permission, the use of pre-commencement conditions can seek to ensure that no development occurs until the aforementioned archaeological investigation

has been undertaken. Should this subsequently reveal something unexpected, this would be for the applicant to consider in terms of implications on the planning permission.

To confirm, subject to the imposition of suitable conditions it is not considered that archaeology and potential archaeological impact is a reason to refuse planning permission or defer the decision. With it is considered that conditions would seek to ensure compliance with the principles of policy HC1.

## AMENITY

Policy RP5A of the EFLP states that planning permission will not be granted for development where it could cause excessive noise, vibration, or air, ground water or light pollution for neighbouring land uses, protected wildlife species and habitats. A similar view is expressed in policies DBE2 and DBE9 in terms of consideration as to potential loss of residential amenity.

## Noise

The original noise and vibration assessment submitted in support of the extant planning permission was based upon modelled traffic data. Although the interim scheme makes some changes to the link road alignment from Campions Roundabout to the motorway junction western dumbbell roundabout, it is considered by the applicant that these design changes would not lead to any material change in terms of scheme traffic flows (see Highways section for further commentary).

The Council's noise consultant on receipt of the above, and suggested no change in terms of impact, sought clarification at whether any additional plant would be used during construction. The applicant confirmed that no additional or specialised plant or equipment would be required. In fact, it was suggested that volume of earthworks would actually reduce as would construction traffic numbers. Albeit accepted that when phase 2B comes forward these impacts would still result.

Additionally, noting the removal of the northern link clarification was requested on the impact of bringing all traffic onto the southern link alignment to nearby receptors. An assessment and predictions for receptors closest to the southern link was subsequently undertaken. This utilised the new highway design and traffic modelling undertaken in 2018 (to give the most up to date available picture although it is accepted that this does slightly confuse comparison with the extant scheme).

The results as shown below, show that comparing the do minimum to the do something (i.e. the scheme), all properties with the exception of one would experience a decrease in noise levels. The one property that would see an increase in levels, would see a 0.1dB increase. The Council's noise consultant considers this is unlikely to be perceptible in context and as such has raised no objection to the development coming forward subject to a condition requiring a detailed noise mitigation plan.

Address	ES			Updated			Difference
	DM21	DS21	Change	DM21	DS21	Change	
Moor Hall Stables, Moor Hall Road	56.9	56.9	0.0	56.9	57.0	+0.1	+0.1
135 Sheering Road, Sheering Road	71.0	64.6	-6.4	70.4	63.6	-6.8	-0.4
133 Sheering Road, Sheering Road	71.1	64.6	-6.5	70.4	63.6	-6.8	-0.3
163 Ealing Bridge Cottage, Sheering	75.5	70.8	-4.7	75.0	70.9	-4.1	+0.6
Mayfield Farmhouse, Sheering Road – North façade	67.0	66.9	-0.1	66.5	63.0	-3.5	-3.4*
Mayfield Farmhouse, Sheering Road – West façade	66.4	66.6	+0.2	65.9	63.3	-2.6	-2.8*

\* Large reduction results from a reduced speed band in the Do-Something scenario with the updated traffic model.

## Air Quality

Similarly, to noise the applicant initially simply sought to suggest no change to predicted air quality impact as a result of the interim scheme. Clarification was however requested from the Council's consultant in terms of predicted changes to traffic speeds, given changes in traffic speed has the potential to give rise to air quality implications. The applicant subsequently confirmed that the revised alignment would result in a speed change for that section of road of less than 10mph and traffic flows by less than 100 Annual Average Daily Traffic (AADT). This difference in speed means that the speed band would remain the same. And, the difference in flows means that the change is below the significance threshold of 1000 AADT for air quality.

On this basis, the Council's air quality consultant has not raised an objection to the interim scheme subject to a condition requiring submission of a dust management plan as per the extant permission.

## Lighting

A preliminary Road Lighting Layout Plan has been provided as part of this application for information only. A final lighting scheme is proposed to be developed as part of the later detailed design of the scheme by the Main Works contractor.

In line with the approved scheme, the preliminary lighting proposals for the interim scheme have been designed to comply with relevant road safety requirements, to take account of energy efficiency considerations and to address potential light pollution issues. Energy efficient LED lighting is proposed to be used with lights designed to avoid lighting above the horizontal and minimise light spillage. Most lighting columns would be 10m high to achieve optimum spacing between lighting columns. However, in sensitive ecological locations, 6m columns with back shields on the luminaries are proposed to direct light away to minimise disturbance to bats.

The Council's lighting consultant has reviewed the preliminary lighting layout and notes that the designers have reduced the lighting column height in the vicinity of the culvert as per the Environmental Statement and best practice. The choice of lighting specification will theoretically force bats through the culvert so is considered acceptable. Final details of lighting specification and management is nevertheless recommended to remain a condition to be discharged in due course.

## FLOOD RISK AND DRAINAGE

The approved scheme included the diversion of the small stream that emerges from the north side of The Mores, and the placement of two culverts, one under each of the new link roads. The northern of these two culverts is no longer required as part of the interim scheme, as the northern link road is not there. The widened embankment of the southern link does however necessitate the lengthening of the culvert here.

As currently approved the realigned stream, where it exits the culvert, would continue in a gentle curve to Pincey Brook, in contrast to the continuation of the existing watercourse which is piped under the field. The proposed culvert will be shorter in length than the existing culverted section and has been designed to accommodate high flows and encourage the passage of mammals such as otter, badgers and bats.

The surface water drainage strategy remains unchanged, with the exception of minor changes to the pond adjacent to Champions Roundabout. These changes enable the retention of some of the existing vegetation and also the minor change in access arrangement to the adjacent field. The water levels in the pond remain as approved albeit the base area of the pond has slightly increased.

There is proposed no change in the concept of the drainage networks and while the catchment area is less during the lifetime of the interim scheme, the widening to the embankment to provide for the dual carriage link road has meant overall the catchment is very similar.

Neither the Environment Agency or Lead Local Flood Authority have raised objection to the interim scheme coming forward subject to conditions. The Environment Agency in-particular noting that there is no significant change within the flood plain compared to the previous approved application. In their view it is also considered that the interim scheme would not give rise to an increased risk to controlled waters. The proposal is therefore considered to comply with relevant considerations of policy RP3, U2A, U2B, U3A and U3B subject to the imposition of relevant conditions.

## HIGHWAYS

Implementation of the scheme in two separate phases (short-term and longer-term), as now proposed, requires Phase 2A to operate without Phase 2B in the short-term. The existing traffic modelling shows that in order to ensure sufficient road capacity on the southern link in the opening year, a dual carriageway in both directions is required.

In respect of this, noting the justification for not building out the approved scheme with phase 2B now and irrespective of capacity need, it has been suggested as a more medium term proposal that it is safer for traffic leaving the M11 at Junction 7A to do so onto a short length of single direction carriageway with a central reserve, rather than straight onto a two-way single carriageway link.

This is acknowledged by Highways England and/or the Highways Authority in so

much that no objection has been raised to the development coming forward. The proposed interim phase accordingly is considered to comply the principles of such development coming forward contained with policies ST3, ST4 and ST7.

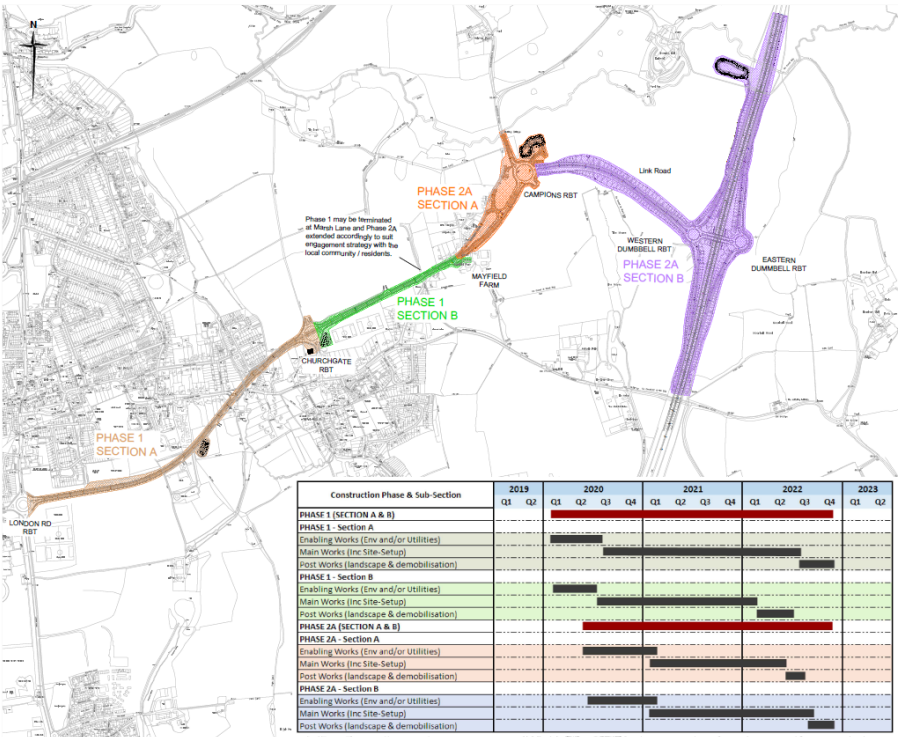
Construction Phase

A revised construction phasing plan has been submitted with this application. This seeks to update phase 2A to account for the interim scheme as:

- Section A includes the construction of a new carriageway between Mayfield Farm and new Sheering Road Roundabout (now known as ‘Campions Roundabout’). This Section is not affected by the Proposed Alternative Scheme, with the exception of Campions Roundabout and the adjacent attenuation pond; and
- Section B includes the construction of the westbound link, the M11 Eastern and Western Dumbbell Roundabouts along with the installation of an overbridge over the existing M11 spanning between the two roundabouts and the construction of the northbound and southbound merge and diverge to provide direct links to the M11. Only the link road is affected by the alternative interim scheme.

The Construction Phase Traffic & Transport Impact Assessment originally submitted with the extant permission has been re-submitted as an indication of highway impacts during construction. The level of vehicle movements is not predicted to significantly increase as a result of implementation of the revised phase 2A scheme. That said, it is accepted that in terms of impact, the baseline context for phase 2B will likely be different, without prejudice, assuming this comes forward once phase 2A is complete and operational.

Extract from drawing titled ‘Construction Phasing & Programme Overview’, drawing no. B3553F05-0100-DR-0825 (Rev P1), dated 07/19



With regard to this, specifically in response to the comments received from Sheering Parish Council, it is confirmed that the submitted Assessment relates to a worst case scenario. In terms of staff movements, it was therefore assumed all would arrive during the peak am and pm, in single occupancy cars and from Harlow to give to allow a worst case scenario assessment of impact. To confirm, the modelling used also included assumptions based on planned levels of growth/future development within the area.

As detailed within the Assessment temporary construction management is to nevertheless be agreed with the Main Works contractor in due course. Appropriate detail of this could however be secured by condition to ensure that issues raised by the Parish Council are duly considered as plans evolve and that the development complies with policy ST5 of the EFLP.

## **8. CONCLUSION**

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

As previously considered when planning permission was first granted for Junction 7A there is a clear need for this development not only help in terms of existing congestion within Harlow but also to enable future planned growth in the area. That said this is inappropriate development which is harmful by definition; and contrary to the purposes of the Green Belt in safeguarding the countryside from encroachment. In consideration of the policy position within emerging EFDC Local Plan and the changes/development actually proposed to support/facilitate the interim scheme it is not however considered that this would in itself further undermine the purposes of the Green Belt. It is not considered that the interim scheme would give rise to any more significant harms than previous considered/assessed.

Whilst it is accepted that the embankment to which the carriageway would sit would be widened, this is only an interim scheme with the long-term intention remaining to construct the development as originally approved. The interim scheme is not considered to give rise to any more significant impacts or harms in the medium term to the approved scheme (and implementation of phases 2A and 2B as originally envisaged). In deed it is actually considered that the interim scheme is slightly less harmful to the extant planning permission given the more limited site area.

In context of the above and the absence of other identified impacts, subject to appropriate mitigation and conditions, the alternative interim scheme is considered to represent sustainable development, as defined within the NPPF.

## 9. RECOMMENDED

Subject to no intervention by the Secretary of State, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 29 August 2019, together with drawings titled 'Alternative Interim Phase 2A Site Location Plan', drawing no. B3553F05-0100-DR-0009 (Rev P01), dated 19/07/19; 'Alternative Interim Phase 2A Site Plan', drawing no. B3553F05-0100-DR-0010 (Rev P0), dated 17/07/19; 'Figure 1-1 Alternative Phase 2A Design Site Location Plan', drawing no. B3553F05-3000-DR-0700 (Rev P0), dated 20/08/2019; 'Figure 2-1 Alternative Phase 2A Design Overall Site Layout Plan Sheet 3 of 4', drawing no. B3553F05-3000-DR-0703 (Rev P0), dated 12/02/2019; and 'Figure 2-1 Alternative Phase 2A Design Overall Site Layout Plan Sheet 4 of 4', drawing no. B3553F05-3000-DR-0704 (Rev P0), dated 12/02/2019 and in accordance with any non-material amendment(s) 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 policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), CP6 (Achieving Sustainable Urban Development Patterns), CP9 (Sustainable Transport), GB1 (Green Belt Boundary), GB2A (Development in the Green Belt), HC1 (Scheduled Monuments and Other Archaeological Sites), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP3 (Water Quality), RP5A (Adverse Environmental Impacts), RST3 (Loss or Diversion of Rights of Way), U1 (Infrastructure Adequacy), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects), U3B (Sustainable Drainage Systems), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL7 (Planting Protection and Care of Trees), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention), LL11 (Landscaping Schemes), ST3 (Transport Assessment), ST4 (Road Safety), ST5 (Travel Plans), ST7 (New Roads and Extensions or Improvements to Existing Roads) and ST9 (Stansted Aerodrome Safeguarding) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).



3. No development shall take place until a detailed landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall be based on the drawing titled 'Alternative Phase 2A Design Landscape Mitigation Figure 7-3a', drawing no. B3553F05-3000-DR-0758 (Rev P01), dated Aug 19 and include details of areas to be planted with species, sizes, spacing, protection; proposed seed mix for grassed areas; and programme of implementation. The scheme shall, for reference, also include details of all existing trees and hedgerows on site proposed to be retained for context. The landscape scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details.

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 County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to mitigate impacts of the development on the natural environment in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention) and LL11 (Landscaping Schemes) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

4. No development shall take place until a Landscape and Ecological Mitigation and Management Plan has been submitted to and approved in writing by the County Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:
  - a) Aims and objectives of management;
  - b) Appropriate management options for achieving aims and objectives;
  - c) Prescriptions for management actions;
  - d) Preparation of an annual work schedule/plan; and
  - e) Details of the body or organisation responsible for management

and for ecology:

- a) Full detailed designs of the ecological mitigation measures referred in the 'Biodiversity Statement and Mitigation Plan', document no, B3553F05-3000-REP-0055 and shown on the drawing titled 'Figure 8-2 Alternative Phase 2A Design Ecological Mitigation Plan, drawing no. B3553F05-3000-DR-0772 (Rev P0), dated 17/01/2019;
- b) Proposed monitoring of mitigation measures and how contingencies

- and/or remedial action will be identified, agreed and implemented; and
- c) Details of the body or organisation responsible for monitoring and management

The mitigation and management plan shall be implemented in accordance with the approved details.

Reason: In the interests of the natural environment and biodiversity, to ensure appropriate design and management of mitigation, to allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL10 (Adequacy of Provision for Landscape Retention) and LL11 (Landscaping Schemes) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

5. No development shall take place until a detailed Noise Mitigation Plan has been submitted to the County Planning Authority for review and approval in writing. Whilst it is noted that noise mitigation barriers are not proposed within the red line of this application, it is noted that such mitigation is proposed outside the red line, as approved by application ref: CC/EPF/08/17, to offset potential impact. The mitigation plan shall furthermore confirm specification of the link road surfacing and any other measures proposed to limit noise nuisance within the application area. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of residential amenity and to mitigate environmental noise impact in accordance with policies RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties) and DBE9 (Loss of Amenity) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

6. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures, the methods to monitor emissions of dust arising from the development during the construction phase and shall include the mitigation measures outlined in Appendix 5.5 of the Environment Statement submitted pursuant to application ref: CC/EPF/08/17. The development shall be implemented in accordance with the approved scheme.

Reason: To reduce the impacts of dust disturbance from the site on the local environment during the construction period in accordance with policies RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties) and DBE9 (Loss of Amenity) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

7. No fixed lighting shall be erected or installed on-site until final details of the location, height, design, luminance, operation and management have been submitted to and approved in writing by the County Planning Authority. That submitted would be expected to follow the principles suggested within the drawings titled 'Road Lighting Layout Plan Sheet 5 of 7', drawing no. B3553F05-1300-DR-0005 (Rev P01), dated 14/02/18; and 'Road Lighting Key and Notes', drawing no. B3553F05-1300-DR-0015 (Rev P01), dated 14/02/18. With regard to this, the details to be submitted shall include an overview of the lighting design, the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate, detailed drawings showing the lux levels on the ground, angles of tilt, colour, temperature, dimming capability and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels.

The lighting design/plan shall also consider the impact on light sensitive biodiversity and a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) clearly demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area), in the interests of highway safety, to minimise impact on light sensitive biodiversity and in accordance with policies CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), ST7 (New Roads and Extensions or Improvements to Existing Roads) and ST9 (Stansted Aerodrome Safeguarding) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

8. Prior to commencement of development, a Bird Hazard Management Plan to prevent the utilisation of the site by hazardous bird species shall be submitted to the County Planning Authority for review and approval in writing. The submitted plan shall include, but not be limited to:
- Details of measures to prevent the establishment of any colony of hazardous bird species and any dispersal methods to be used;
  - Provision for the aerodrome to undertake visits to the site and make inspections (where necessary) and hold records of bird numbers; and
  - Measures to limit access to attenuation ponds through the erection of goose proof fencing.

The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force in perpetuity. No

subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the County Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application site, in accordance with ST9 of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

9. No development (including demolition, ground works, vegetation clearance) shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to the County Planning Authority for approval in writing. The CEMP shall be based on the Outline Environmental Management Plan, document ref: B3553-3000-REP-0056 (Rev P00.3), dated January 2017 together with that suggested in the Construction Phase Traffic & Transport Impact Assessment, document ref: B3553F05-0000-REP-0081 (Rev 1), dated January 2017.

With regard to construction the plan shall cover similar areas/topics to that considered within the Construction Methodology Report, document ref: B3553F05-0000-REP-0076 (Rev P0), dated November 2016, albeit with specific reference to the development hereby permitted and construction details shown on drawings titled 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 4 of 7', drawing no. B3553F05-3000-DR-0707 (Rev P0), dated 18/02/2019; 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 5 of 7', drawing no. B3553F05-3000-DR-0708 (Rev P0), dated 28/08/2019; and 'Figure 2-4 Alternative Phase 2A Design Construction Environmental Plan Sheet 6 of 7', drawing no. B3553F05-3000-DR-0709 (Rev P0), dated 28/08/2019.

In terms of environmental management, and specifically biodiversity, the plan 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 or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be implemented and adhered to throughout the construction period of the development hereby approved.

Reason: In the interests of highway safety and amenity, to make appropriate provision for conserving biodiversity during construction and in accordance with

policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), RP3 (Water Quality), RP5A (Adverse Environmental Impacts), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL7 (Planting Protection and Care of Trees), LL8 (Works to Preserved Trees), LL9 (Felling of Preserved Trees), LL10 (Adequacy of Provision for Landscape Retention), ST3 (Transport Assessment), ST4 (Road Safety), ST5 (Travel Plans) and ST7 (New Roads and Extensions or Improvements to Existing Roads) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

10. No development or any preliminary groundworks shall take place until:
- a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction", and;
  - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and in accordance with policies CP2 (Protecting the Quality of the Rural and Built Environment), NC4 (Protection of Established Habitat), LL1 (Rural Landscape), LL7 (Planting Protection and Care of Trees) and LL10 (Adequacy of Provision for Landscape Retention) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

11. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation (trial trenching) and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented as approved, prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: To ensure that any archaeological interest (including associated compounds and landscaping areas) has been adequately investigated and recorded prior to the development taking place and to preserve the historic environment in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

12. Prior to commencement of development but following completion of the archaeological work required by condition 11, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the County Planning Authority for review and

approval and writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be made to the County Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching or geophysical survey undertaken in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008)

13. Within six months of completion of the programme of archaeological investigation, as approved by details submitted pursuant to condition 11, a post-excavation assessment shall be submitted to the County Planning Authority for review and approval in writing. This 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 reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with policy HC1 (Scheduled Monuments and Other Archaeological Sites) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

14. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the County Planning Authority. The strategy shall include the following components:
1. A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

The scheme shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with

paragraph 170 of the NPPF.

15. Prior to commissioning/operation of development hereby permitted a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete, in accordance with paragraph 170 of the NPPF.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the County Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the NPPF.

17. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:
- Limiting discharge rates from the interim link road (including Campions roundabout) to 1l/s or the 1:1 Greenfield runoff rate (whichever is greater) for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
  - Provide sufficient storage in line with the design return periods shown in table 2.1 of the Drainage System Summary Report
  - Final modelling and calculations for all areas of the drainage system.
  - The appropriate level of treatment for all runoff leaving the site in line with the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance routes and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The approved scheme shall subsequently be implemented prior to commissioning and opening.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, to provide mitigation of any environmental harm which may be caused to the local water environment and to mitigate the risk of surface water flooding and to ensure the proposed development does not result in flood risk elsewhere, in accordance with policies RP3 (Water Quality), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

18. No development shall take place until a Surface Water Drainage System Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved, in writing, by the County Planning Authority. The development shall be maintained in accordance with the approved plan.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

19. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the County Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason: Construction works may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils, during construction, may limit the ability of the site to intercept rainfall and as such increased runoff rates. A construction surface water run-off management scheme is therefore required to mitigate the risks associated with this part of the development in accordance with policies RP3 (Water Quality), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems), of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

20. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the County Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.



Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality and in accordance with policy RP3 (Water Quality), of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

21. Piling using penetrative methods shall not be carried out other than with the written consent of the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the NPPF and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is located upon Principal and Secondary A aquifers.

22. No development shall take place until a scheme to demonstrate if and how compensatory flood storage for the 1 in 100 plus 35% climate change fluvial flood event will be provided, has been submitted to and approved in writing by the County Planning Authority. The scheme will be based on the approved and verified hydraulic flood modelling.

Reason: To ensure that the development is appropriately flood resilient and does not increase flood risk elsewhere, in line with paragraph 163 of the NPPF, and in accordance with policies U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects) and U3B (Sustainable Drainage Systems) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

23. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the County Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to each phase of development being brought into use.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the NPPF and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

24. Withstanding any alternative planning permission granted, prior to the commencement of works pursuant to phase 2B (the northern arm link road) as permitted by planning application ref: CC/EPF/08/17 (or any variation to this permission) a scheme shall be submitted to the County Planning Authority for review and approval in writing detailing the proposed removal/decommission works proposed for the interim phase 2A link road hereby permitted. Details provided shall include a schedule of works, a construction method statement

and measures proposed in terms of reinstatement/restoration of the areas affected. The works shall subsequently be undertaken in accordance with the approved details.

Reason: As this permission would sit alongside CC/EPF/08/17 it is considered important to secure the details proposed for the works associated with the removal of the additional carriageways and re-engineering of the interim phase 2A at the point of implementation of phase 2B from an environmental and amenity perspective and in accordance with policies CP1 (Achieving Sustainable Development Objectives), CP2 (Protecting the Quality of the Rural and Built Environment), CP6 (Achieving Sustainable Urban Development Patterns), GB2A (Development in the Green Belt), NC3 (Replacement of Lost Habitat), NC4 (Protection of Established Habitat), RP5A (Adverse Environmental Impacts), U2A (Development in Flood Risk Areas), U2B (Flood Risk Assessment Zones), U3A (Catchment Effects), U3B (Sustainable Drainage Systems), DBE1 (Design of New Buildings), DBE2 (Effect on Neighbouring Properties), DBE4 (Design in the Green Belt), DBE9 (Loss of Amenity), LL1 (Rural Landscape), LL2 (Inappropriate Rural Development), LL11 (Landscaping Schemes), ST3 (Transport Assessment), ST4 (Road Safety) and ST7 (New Roads and Extensions or Improvements to Existing Roads) of the Combined Policies of the Epping Forest District Local Plan 1998 and Alterations 2006 (published 2008).

#### Informative

- This permission is considered intrinsically linked to planning application ref: CC/EPF/08/17. The majority of conditions imposed on this condition are mirrored from this permission with reference also made to the Environmental Statement originally submitted with this application. Where slight amendments have been made to condition wording it is hoped that the applicant would proactively seek take on board any new requirements as part of combined details submitted, for the development as a whole, in due course.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

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

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## **CLIMATE CHANGE EMERGENCY**

In September 2019 Epping Forest District Council declared a Climate Emergency and pledged to do everything within its power to make the Epping Forest District carbon neutral by 2030.

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Part of the pledge approved including (xvi) to continue to work with partners across the district and region to deliver this new goal through all relevant strategies and plans; and (xviii) implement an Air Quality Strategy and bring forward sustainability guidance on planning.

This reports only concerns the determination of an application for planning permission. Due regard has however been given to relevant policies and guidance forming the development plan in terms of sustainability.

The Environmental Statement submitted in support of the application includes 'climate' as a chapter of consideration. This acknowledges that in comparison to a do minimum infrastructure scenario, the implementation of this development during construction would release an additional 51,580 tCO<sub>2</sub>e into the atmosphere. Once operational, additional carbon emissions are predicted as 2,962 tCO<sub>2</sub>e in opening year (2021) and 5,765 tCO<sub>2</sub>e in design year (2036). Factoring this as a percentage this is a 0.0021% (opening year) and 0.0033% (design year) increase for the UK carbon budget and 0.0021% (opening year) and 0.0041% (design year) increase for the UK transport sector. More locally, for Epping Forest and Harlow the increase for transport emissions is predicted at 0.40% (opening year) and 0.79% (design year).

This development would give rise to increased carbon emissions. That said, it is considered that mitigation measures proposed in terms of the construction phase and incorporated within the design proposals have sought to reduce or limit this impact where possible. Accordingly, mindful that this is planned development/growth, it is not considered that granting this permission would fundamentally undermine the declared climate emergency.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

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

## **LOCAL MEMBER NOTIFICATION**

EPPING FOREST – North Weald and Nazeing  
HARLOW – Harlow North

## Environmental Impact Assessment

The following sections summarise likely significant effects of the Interim Scheme on the environment, taking into account the proposed mitigation measures listed above. Full details of the assessment work and findings of the EIA are presented in the Environmental Statement and Addendum. Where possible the methodologies follow the Government's Design Manual for Roads and Bridges (Volume 11) and relevant Interim Advice Notes.

### Air Quality

The effects of the Proposed Scheme on air quality are discussed in more detail in Chapter 5 of the Environmental Statement, and remain unchanged in the Environmental Statement Addendum. The assessment has considered the potential effects of the Proposed Scheme on local air quality and regional emissions. Air quality is measured by the levels of nitrogen oxides ( $\text{NO}_x$ ), nitrogen dioxide ( $\text{NO}_2$ ), particulate matters ( $\text{PM}_{10}$ ) and carbon dioxide ( $\text{CO}_2$ ) in the atmosphere.

The assessment of local air quality has been made by comparing  $\text{NO}_2$  and  $\text{PM}_{10}$  levels in 2014 to the predicted levels of  $\text{NO}_2$  and  $\text{PM}_{10}$  concentration in 2021 with the Proposed Scheme (Do-Something) and without (Do-minimum). Regional air quality has been assessed by comparing  $\text{NO}_x$ ,  $\text{PM}_{10}$  and  $\text{CO}_2$  levels in 2014 to the predicted levels of  $\text{NO}_x$ ,  $\text{PM}_{10}$  and  $\text{CO}_2$  concentration in 2036 with and without the Proposed Scheme. Years 2021 and 2036 represent the opening year and 15 years after opening respectively.

The assessment has shown that there would be an overall improvement of air quality across the study area, especially in areas where air quality is currently

an issue (Sawbridgeworth and Bishop's Stortford air quality management areas). There would be some worsening of air quality along some parts of Gilden Way; however, the levels would still be within the acceptable guidance threshold with no exceedance of European Guidelines.

### Cultural Heritage

The effects of the Interim Scheme on cultural heritage are discussed in more detail in Chapter 6 of the Environmental Statement. The assessment has considered archaeological remains, historic buildings and the historic landscape. The archaeological, architectural and artistic or historic elements have been examined, in addition to the setting of the site (Figure 4). Impacts on the historic landscape and the settings of historic buildings are also covered in Chapter 7 Landscape and Visual of the Environmental Statement.

The assessment has been based on a desk top study and walkover surveys in addition to several geophysical surveys for the footprint of the Interim Scheme. A total of 82 cultural heritage assets were found, among them a Scheduled Monument (Harlow Mound), Sheering Hall Ringwork, geophysical anomalies (a possible levelled round barrow), two Conservation Areas and several Grade II\* and II listed buildings including Sheering Hall and Durrington Hall.

Careful protection of Mayfield Farm and Harlow Mound during construction, proposed landscape planting and photographic documentation of records of the current setting of assets would mitigate the impacts on heritage assets. No physical impact on Harlow Mound or historic buildings would be expected as a result of the Interim Scheme. Elements of the geophysical anomalies would be lost to the Interim



Figure 4 Local listed building



Scheme during construction. However, archaeological trial trenching followed by assessment, analysis and publication of the results would be carried out leaving the residual effect as slight adverse.

## Landscape and Visual

The effects of the Interim Scheme on landscape and views are discussed in more detail in Chapter 7 of the Environmental Statement. The landscape can be divided into two parts: the mainly rural agricultural valley of the Pincey Brook situated between the Sheering Road and the M11; and the more urbanised area along Gilden Way including Conservation Areas and land designated for new housing.

There would be a number of adverse effects in the area on the landscape and views. The mitigations itemised below would reduce these by year 15 to a moderate effect:

- Mitigation woodland, hedge and native species planting on a 2:1 basis i.e. at least 2 newly planted trees for every existing tree removed;
- Landscape planting would soften and disguise embankments and cuttings;
- Hedges and climbing plants would soften noise fencing;

- Earth mounding, extensive screen planting with woodland hedges, scrub and planting of individual trees would reduce the effect on the landscape of the Link Area; and
- LED lighting would have full cut-off lanterns to limit light spill to residents and wildlife.

Overall the effect of the Interim Scheme as a whole on landscape would be moderate adverse.

During operation of the Interim Scheme along Gilden Way, there would be a moderate adverse visual effect on 23 residential properties. However with appropriate planting and mitigation at year 15, this would be reduced to 9 residential properties with a moderate adverse view. Seventy-three properties would have a slight adverse view. An example of an expected change in view is shown in Figure 5 below.



Figure 5: Changes in view along Gilden Way



## Nature Conservation

The effects of the Interim Scheme on nature conservation are discussed in more detail in Chapter 8 of the Environmental Statement. Extensive surveys were carried out over the study area for: bats, breeding birds, badgers, riparian mammals, great crested newts, reptiles, dormice and habitats. Evidence of [REDACTED] of protected species mentioned above were found in the [REDACTED]. Locally designated sites are also listed below. The construction programme has been informed by ecological constraints during its design such that no works would be carried out at particular locations during sensitive times. For example during the bird breeding season, when reptiles are hibernating or when great crested newts are active. Planting of new hedges would use native species and new pond habitats would be created. There would be a net gain of vegetation with landscape planting.

### Habitats

Gilden Way Protected Wildlife Verge (PWV) would be removed as a result of building the Churchgate Roundabout. It has a local designation for Betony (*Stachys officinalis*), a locally scarce plant. It is proposed that a larger area on the southern slopes of the link road would be re-seeded with Betony and plants translocated from the PWV to mitigate against this loss.

### Birds

Loss of farmland habitat would affect ground nesting farmland specialists such as skylark. Due to the close proximity of other similar habitat sites, this would be unlikely to affect the conservation status of the local population. Ground nesting birds would also be subject to increased incidences of traffic collisions and increased noise levels. However the reduced speed limit of 40mph along Gilden Way would mitigate this to a slight negative effect. Bird species along the Gilden Way could be affected by noise increases but this has been assessed as not-significant.

### Bats

Seven species of bat were recorded during surveys. Five non-breeding summer roosts were also recorded (Figure 6) in the Link Area and along Gilden Way. The greatest activities on the Link Road Area were along Sheering Road, Mores Wood and an associated un-named watercourse and ponds to the south of Mores Wood. Four known bat roost trees on Gilden Way would be removed (under European Protected Species (EPS) licence). The introduction of increased

night-time light levels would affect the movement of bats across the Link Area. To mitigate this, the following have been introduced to the Interim Scheme:

- reduced height columns and directional lighting would be introduced north of Mores Wood;
- a bat hop over of 5m would facilitate safe movement of bats over the link roads and would also benefit night flying birds;
- Provision of a mammal ledge within the culvert below the Link road would allow north-south movement across the Link Area; and
- Sheering Road would continue to be a dark, well-vegetated feature.

### Otters

Surveys for otters show limited evidence of otters along the Pincey Brook. However, it is considered a suitable habitat so mitigation has been proposed. Construction working in the vicinity of the Pincey Brook at night time could cause disturbance but would be a short term effect. The mammal underpass and reduced lighting discussed above would reduce the operational effects on otter to neutral to slight negative.



Figure 6: Surveyed bat





**Figure 7: Surveyed great crested newt**

#### Great Crested Newts

Great crested newts were found near to the site but there would be no direct loss of ponds or good quality terrestrial habitats as a consequence of the Interim Scheme (Figure 7). The potential Gilden Way site compound would however directly abut Gilden Way Meadow Local Wildlife Site where a medium population of great crested newts is currently located. Careful assessment and seasonal relocation of great crested newts under EPS licence from this site would take place prior to commencement of construction. Avoidance of works during hibernation times and a two-staged vegetation clearance have been included in the construction programme. Drainage ponds and new open drainage ditches would increase surface water features. There would be an overall neutral effect on great crested newts.

#### Other Species

Badger setts were found within **Data Protection**. These would be relocated under licence. Very low numbers of reptiles were recorded across the site except in Gilden Way Meadow local wildlife site where a breeding population of grass snakes was recorded. Mitigation as described for great crested newts would reduce effects to neutral. No evidence of dormice or white-clawed crayfish

was recorded during surveys.

#### Geology and Soils

The effects of the Interim Scheme on geology and soils are discussed in more detail in Chapter 9 of the Environmental Statement. Overall, the main effects of the Interim Scheme would be the loss of high grade agricultural soils. This would be managed by a Soil Management Plan and soils reused throughout the site where possible. Further works would be carried out to maintain a safe scheme. These would include: piling risk assessment; for boreholes to be conduits for contamination; contaminated land risk assessment; reduction of potential movement; gas monitoring; groundwater sampling; soil resource survey and planning; targeted investigation into Unexploded Ordnance; and additional Ground Investigations. Residual effects on geology and soils have been assessed to be reduced to neutral to slight, other than loss of agricultural soils which would remain at slight to moderate adverse.

#### Materials

The effects of the Interim Scheme associated with use of materials and generation of waste are discussed in more detail in Chapter 10 of the Environmental Statement.



An assessment of the carbon footprint of predicted materials, the probability of depletion of local sources of materials, and the availability of waste management facilities in the locality has been completed. There is an undertaking that excavated materials produced on-site would be re-used within the site footprint. However, there would still be a requirement for approximately 240,000m<sup>3</sup> of fill material to be imported from off-site.

The estimated embodied carbon footprint of materials to be used on the Interim Scheme would be approximately 42,120 CO<sub>2</sub>e emissions (tonnes). This would be a major adverse impact on materials use.

Re-use of materials on site and carbon monitoring and management would be implemented to off-set this. An outline Materials Management Plan (MMP) and a Site Waste Management Plan (SWMP) have been produced and are appended to the ES, with SWMP updated for the ES Addendum.

Use of CEEQUAL (an environmental quality tool) on this project has enabled opportunities through design and construction to be identified. These include conserving the use of materials and influencing their supply and use through design, specification, storage and use. This would continue throughout the construction period to ensure materials reduction, reuse and recycling. With the correct use of the MMP, SWMP, CEEQUAL and EMP, the effects on waste production would be slight adverse.

### Noise and Vibration

The effects of the Interim Scheme on noise and vibration levels are discussed in more detail in Chapter 11 of the Environmental Statement. It has been assessed that there would be short term adverse

effects from the construction of the Interim Scheme although these would be mitigated along the Gilden Way and Sheering Road by the design of appropriate acoustic barriers. Currently, the locations, heights and styles of the acoustic barriers are indicative as changes could occur at the next stage of design in consultation with the planning authority and residents. Although not all receptors would be mitigated by the acoustic barriers, overall the effects would most likely be negligible to minor in the long term. Some areas further away from the Interim Scheme, would have a short term beneficial effect (blue on Figure 10).

Indicative changes in noise levels in the short term (2021) are shown in Figure 10.

### People and Communities

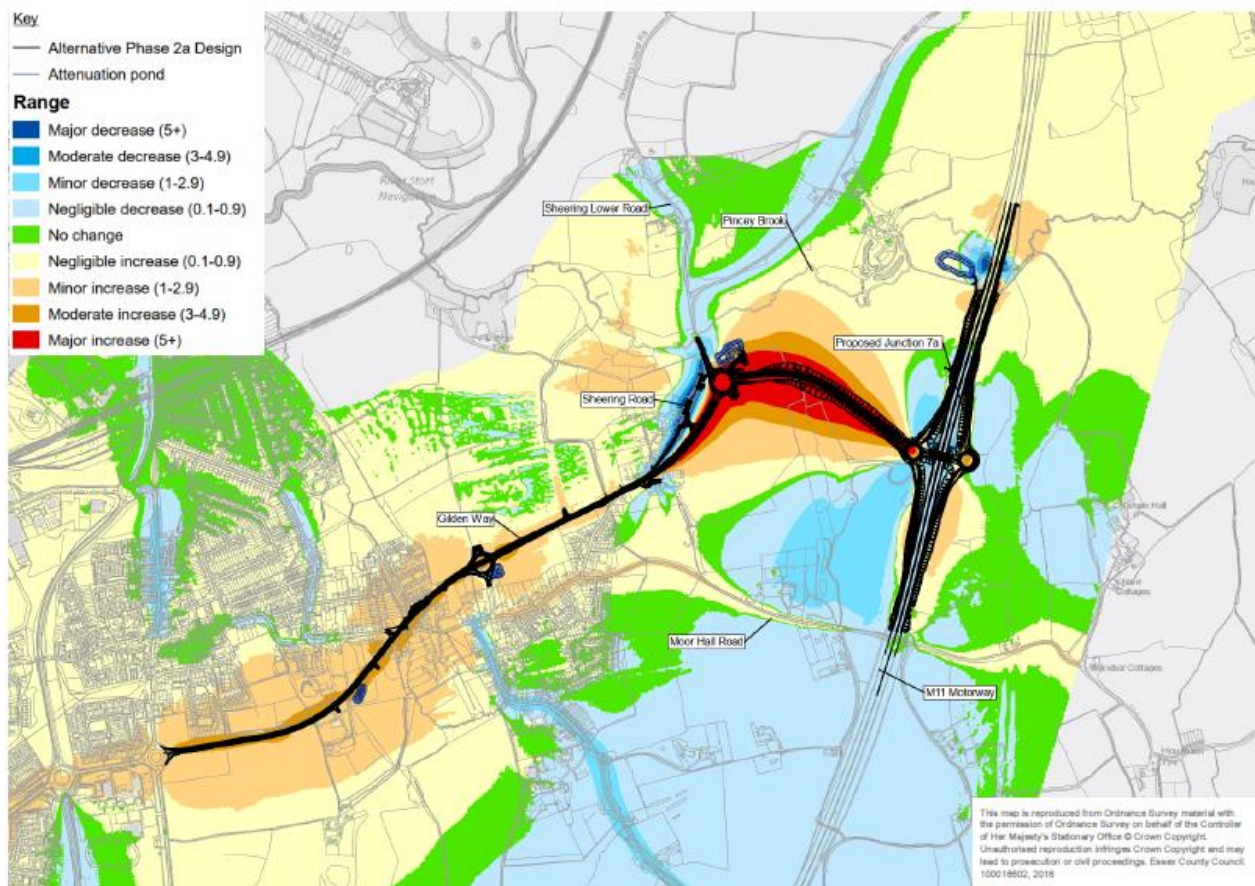
The effects of the Interim Scheme on people and their community are discussed in more detail in Chapter 12 of the Environmental Statement. This chapter covers the effects on residents, agricultural land, non-motorised users (NMU), drivers, development land, public transport users, and community severance. The construction phase would have a temporary effect on all of these users due to increases in noise and dust, construction traffic increasing user stress and perceptions of reduced safety near the road. Communities could feel severance effects due to temporary footpath diversions and closures. This would be mitigated by following guidelines in the EMP and installation of a sensitive traffic management plan. Wherever practical, connectivity throughout the community would be maintained.

Although development of the Interim Scheme would increase the amount of traffic along Gilden Way the speed of the traffic would be reduced to 40mph.



Figure 9: Gilden Way at Marsh Lane looking west





**Figure 10: Indicative short term changes in noise levels**

This combined with the installation of five new or improved crossing points should improve safety for all road and pavement users.

The loss of 43ha of agricultural land during construction would be an adverse effect. However, 11ha would be reinstated after construction reducing the permanent loss to 32ha. This has been

assessed as a large to very large adverse effect on farming in the area. A moderate adverse effect on the NMUs due to changes in the attractiveness of footpaths along the Proposed Scheme would also remain.



**Figure 12: Gilden Way at the pedestrian underpass looking east**





**Figure 11: The Pincey Brook looking towards Sheering**

### Road Drainage and the Water Environment

The effects of the Interim Scheme on drainage and the water environment are discussed in more detail in Chapter 13 of the Environmental Statement. This assessment has been based on monitoring from 22 boreholes, a desk study, and a walkover assessment to visually inspect surface water. Water quality risk assessment tool has been used to assess the in-river annual average concentrations for soluble pollutants to inform the possible impacts on the ecology of local watercourses. A Water Framework Directive compliance assessment has also been conducted to determine effects on local waterbodies. Modelling of flood risk has fed into the Flood Risk Assessment.

There is a risk that during construction contaminants could enter watercourses and reduce the water quality. An EMP would be produced by the contractor; an outline version is appended to the Environmental Statement. It contains guidelines and construction practices which if followed correctly could mitigate these effects. Attenuation ponds have been designed to reduce flooding and pollution risk. Slight adverse risks to groundwater have been assessed but these are expected to be limited by the implementation of good practices and guidance in the EMP.

### Cumulative Effects

Cumulative effects of the Interim Scheme and other potential Schemes (Figure 12) in the area are discussed in more detail in Chapter 14 of the Environmental Statement. There are two types of main cumulative effect. Those which result in an increased effect for a receptor due to the number of different impacts acting upon it (Type 1 or intra-development effects). There are also those effects which increase in an area due to other Schemes being developed at the same time (Type 2 or inter-development effects).

#### Type 1 - intra-development effects

The main temporary effects along the Interim Scheme would be from the combined effects of dust, noise, construction traffic and visual intrusion. These would affect residential and business properties, users of the playing field, NMUs and protected species. Following good practice and utilising the EMP would keep the impacts to a minimum.

More permanent effects would occur due to the positions of the acoustic barriers. It should be noted that their location, heights and construction are indicative at the current time. Recreational users of the playing fields would have a beneficial effect due to an enclosed area, visually and audibly cut off from the road, with additional benefits from improved air quality and noise levels. Non-Motorised Users would be likely to suffer an adverse effect due to increased



noise levels and traffic, combined with visual intrusion and severance by the noise fencing. This would be mitigated by using transparent fencing where appropriate. Protected species would also be adversely affected by increased noise, light and traffic levels. Beneficial effects would include replacement planting and creation of ponds combined with improved air quality.

#### Type 2 - inter-development effects

The Interim Scheme would coincide with a number of other Schemes in the area including the Gilden Park (Harlowbury) and New Hall housing developments. These would increase the amount of construction traffic, noise and dust in the area over the duration of construction of the Interim Scheme and also possibly extend the length of time of construction in the area. Exact construction dates and methodologies for these Schemes are not known at the time of writing. These effects would be experienced by residents, businesses, NMUs and protected species.

The traffic figures used for the assessment have taken into account nearby developments and they have been incorporated into the noise and air quality assessments. As a result of these developments, there would be significant increases in effects from noise, lighting, and severance from acoustic barriers and visual intrusion.

This would have an impact on nature conservation, landscape and visual, community, and in particular the loss of agricultural land. Additionally, wildlife would suffer from increased predation from cats and disturbance by humans and dogs. The increased urbanisation to the east of Harlow cumulatively would have a moderate adverse effect on the landscape.

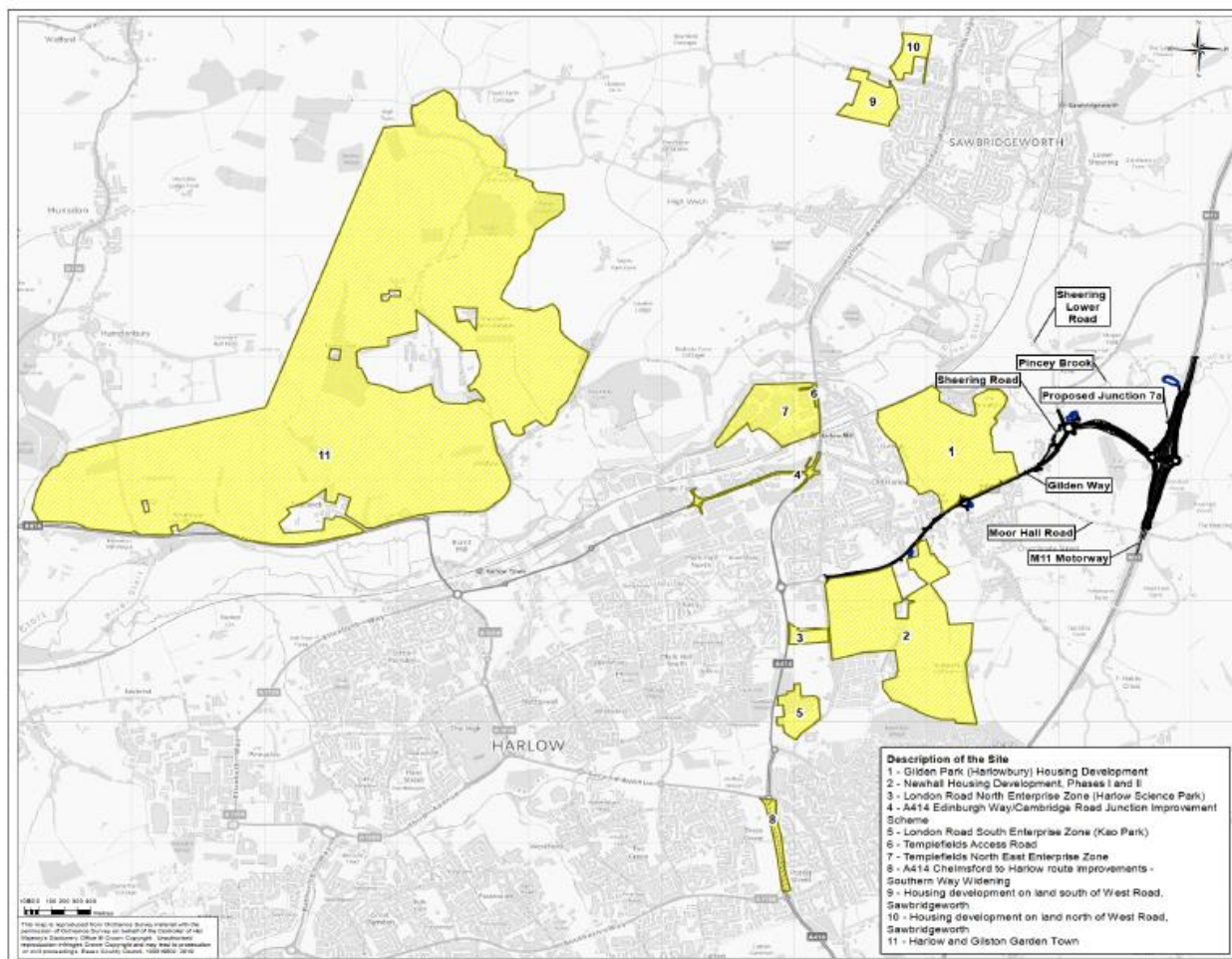


Figure 14: Future developments in the vicinity of the Interim Scheme

## 15. Summary and Conclusions

This section summarises the findings of the Environmental Impact Assessment (EIA) reported in this ES Addendum. These are summarised in Table 16.1 for each topic area. The potential impact is described in the first column, whilst the final column shows the residual effects following mitigation (described in the middle column of the table). For further explanation and detail, the reader is to refer to the individual topic chapters.

Table 15.1: Summary of residual environmental effects of the Interim Scheme after mitigation

Description of impacts	Proposed mitigation	Residual effects (after mitigation)
<b>Air Quality (no residual effects) (Chapter 5) - no change</b>		
<b>Cultural Heritage (Chapter 6) - no change</b>		
<b>Landscape and Visual (Chapter 7)</b>		
Loss of mature woodland protected by Tree Preservation Order (TPO)	Proposed woodland planting totalling over 1.8ha in the Proposed Alternative Scheme red line boundary. Woodland planting could not fully mitigate for the loss of mature trees.	Moderate Adverse
Loss of other woodland/hedges and scrub	Proposed woodland hedge and other native planting totalling over 2ha, (including the 1.8ha of woodland planting noted above) plus planting areas of scattered scrub and 217 individual trees at larger size in the Proposed Alternative Scheme red line boundary. Woodland planting could not fully mitigate for the loss of mature trees.	Slight Adverse
All other landscape and visual impacts described in the ES for the Approved Scheme	No change.	No change.
<b>Nature Conservation<sup>2</sup> (Chapter 8)</b>		
Impacts to local otter population	Implementation of good practices and Construction Environmental Management Plan (CEMP). Provision of multi-species underpasses in combination with fencing, landscape planting and sensitive lighting to reduce disturbance to otters and the risk of collision with traffic.	Neutral
All other nature conservation impacts described in the ES for the Approved Scheme	No change.	No change
<b>Geology and Soils (Chapter 9) - no change</b>		

<sup>2</sup> It should be noted that the term 'adverse' is used in preference to 'negative' as is used in the CIEEM Guidelines and in Chapter 8 – Nature Conservation within the Environmental Statement Addendum in this table. This is to provide consistency in terminology across all discipline sections within the table.

Description of impacts	Proposed mitigation	Residual effects (after mitigation)
Materials (Chapter 10) - no change		
Noise and Vibration (Chapter 11) - no change		
People and Communities (Chapter 12) - no change		
Road Drainage and Water Environment (Chapter 13) - no change		
Cumulative effects - Type 1 (Chapter 14) - no change		
Cumulative effects - Type 2 (Chapter 14) - no change		

In summary, the only change in assessed impacts of the Approved scheme as modified by the Proposed Alternative Scheme (i.e. the Interim Scheme) is that one Neutral to Slight residual effect (on other populations) is considered to have been reduced to Neutral. All other potential effects remain unchanged.

<b>Report to:</b> DEVELOPMENT & REGULATION (24 January 2020)
<b>INFORMATION ITEM</b> – Enforcement of Planning Control update
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)
<b>Enquiries to:</b> Suzanne Armstrong – Tel: 03330 136 823
The full application can be viewed at: <a href="http://planning.essex.gov.uk/">http://planning.essex.gov.uk/</a>

**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 October to 31 December 2019 (Quarterly Period 3).

**2. DISCUSSION**

**A. Outstanding Cases**

As at 31 December 2019 there are 29 outstanding cases. Appendix 1 shows the details of sites (12) where, after investigation, a breach of planning control is considered to have occurred.

**B. Closed Cases**

13 cases were resolved during the period 01 October to 31 December 2019.

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**LOCAL MEMBER NOTIFICATION**

Countywide

## Enforcement Committee Report

<b><u>Location</u></b>	<b>Nature of problem</b>	<b>Remarks</b>
<b>Basildon</b>		
Treetops Cranfield Park Avenue Basildon SS12 9LS	Waste activity	Multi agency investigation (ECC and EA). A material change of use of the land to land used for the Importation and deposition of mixed waste. A letter has been sent to the land owner requesting removal of all waste. A further visit will be carried out in January 2020.
Spring Grove, Oak Lane, Billericay CM11 2YL	Waste activity	A skip company are operating from land in Oak Lane Billericay. The land owner has agreed to cease waste activities and remove all waste from the Land. A timescale has been agreed and a further visit will be carried out in January 2020 to ensure compliance.
Summerhill Farm, Pipps Hill Road North, Crays Hill, Billericay CM11 2UJ	Waste activities	A material change of use of the land to land used for the Importation depositing and burning of mixed waste. Multi agency visits (ECC and EA). A PCN has been served on the land owners for further information as to the activities on the land. Ongoing investigation.
Summerhill Fisheries Maggits lake Pipps Hill Road North, Crays Hill, Billericay	Waste activities	A material change of use of the land to land used for the Importation and deposition of waste, mainly soils, rubble and other similar waste materials. A PCN has been served on the land owners to provide further information as to the activities on the land. Ongoing multi agency investigation ECC and the EA
Shot Farm, Southend Rd, Shotgate, Wickford, Essex SS11 8RZ(Land Opposite Wickford Sewage Treatment Works Entrance,)	Waste activities	A material change of use of the land to land used for the Importation, deposition and processing of waste, mainly soils and hardcore. The processing of waste has ceased and the land owner is working with the WPA to clear the land of all waste material. A visit is arranged for January 2020 to ensure compliance.
<b>Braintree</b>		
Straits Mill Bocking, Braintree CM7 9RP	Carpet Recycling	A material change of use of the land to a waste transfer facility. Waste is imported including wood, textiles, soils and other similar waste materials. A site office and weighbridge have been installed. Essex County Council and the Environment Agency have adopted a joint working



		protocol, it was considered that the EA were the appropriate authority to deal with the notice for this site. The importation and processing of the waste has ceased, and the operators have vacated the land, however the waste remains. Whilst the EA will continue to pursue the operators under their Legislation the WPA have issued an Enforcement Notice to Legal services which will be served on the land owners in January 2020.
<b>Brentwood</b>		
Land on the South Side of Church Road, (To the rear of Lizvale Farm), Church Road, Navestock, Romford, RM4 1HB	Importation of waste	A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials, subsequently raising the levels of the land. An enforcement notice has been served for the removal of the waste. A witness statement to proceed with a prosecution has been prepared and remains with Essex Legal Services. The land ownership has changed on numerous occasions and as the notice remains with the land any new owner is ultimately responsible for complying with the notice served. ECC have recently been advised that the land has once again been sold. The new owner has contacted the WPA and intends to comply with the EN, as such a site meeting has been arranged for January 2020.
<b>Chelmsford</b>		
Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG	Waste activities	Importation, deposition and spreading of waste, mainly soils and builders waste. A TSN was served on the 4th November 2019 to prevent any further importation or spreading of the waste. A PCN was also served for information as to the activities on the land. Ongoing Investigation and monitoring.
Land at Meadow Lane Runwell SS11 (Various plots G T )	Waste activities	Multi Agency investigations ECC, EA and CCC. Importation and deposition of mixed waste on various plots of Land.
<b>Rochford</b>		
3 Murrels Lane (Off Church Road) Hockley	Importation of waste	Importation, deposition and spreading of waste, mainly mixed soils and builders waste, raising the levels of the Land. An Enforcement Notice was served on the 23rd October 2019 and took effect on the 5th December 2019. Full compliance with

		the EN served is required by the 5th July 2020.
<b>Uttlesford</b>		
New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste	Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The land owner and tenant appealed the enforcement notice. The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice has not been complied with and a hearing was listed at the Magistrates Court for the 29th March 2018 to prosecute the land owner for non-compliance with the enforcement notice. Information came to light from the Defendant's solicitor (land owner) that indicates further enquiries need to be undertaken. This case remains with Essex Legal Services.
Oakbury House, Molehill Green Takeley, CM22 6PH	Deposit of waste	Importation of waste raising the levels of the land. The waste deposited is to be removed and the land owner is working with the WPA to rectify the breach of planning control. Progress is being made, however due to the location of the land within a small village it is accepted that the removal may take some time in order to minimise the impact on local residents. Officers will continue to monitor the site to ensure removal of the deposited material.

<b>Report to:</b> DEVELOPMENT & REGULATION (24 January 2020)
<b>INFORMATION ITEM</b> – Applications, Enforcement and Appeal Statistics
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)
<b>Enquiries to:</b> Emma Robinson – tel: 03330 131512 The full application can be viewed at: <a href="http://planning.essex.gov.uk/">http://planning.essex.gov.uk/</a>

# 1. PURPOSE OF THE ITEM

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

## BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

## MEMBER NOTIFICATION

Countywide.

### Major Planning Applications

### SCHEDULE

Nº. Pending at the end of November

22

Nº. Decisions issued in December

3

Nº. Decisions issued this financial year

25

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in December

3

Nº. applications where Section 106 Agreements pending at the end of December

3

### **Minor Applications**

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Pending at the end of November	6
Nº. Decisions issued in December	1
Nº. Decisions issued this financial year	16
Nº. Delegated Decisions issued in December	1

### **All Applications**

Nº. Delegated Decisions issued in December	4
Nº. Committee determined applications issued in December	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	119
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of December	39
Nº. of referrals to Secretary of State under delegated powers in December	0

### **Appeals**

Nº. of outstanding planning and enforcement appeals at end of December	1
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

### **Enforcement**

Nº. of active cases at end of last quarter	29
Nº. of cases cleared last quarter	13
Nº. of enforcement notices issued in December	1
Nº. of breach of condition notices issued in December	0
Nº. of planning contravention notices issued in December	2
Nº. of Temporary Stop Notices issued in December	0
Nº. of Stop Notices issued in December	0



<b>Report to:</b> DEVELOPMENT & REGULATION (24 January 2020)
INFORMATION ITEM – Committee Dates to April 2021
<b>Report author:</b> Clerk to the Committee
<b>Enquiries to:</b> Matthew Waldie – tel: 03330 134583

**1. PURPOSE OF THE ITEM**

To inform Members of the proposed meeting dates to end of April 2021.

**2. MEETING DATES**

**2020**

Friday 28 February  
 Friday 27 March  
 Friday 24 April  
 Friday 22 May  
 Friday 26 June  
 Friday 24 July  
 Friday 28 August  
 Friday 25 September  
 Friday 23 October  
 Friday 27 November  
 Friday 18 December \*

**2021**

Friday 22 January  
 Friday 26 February  
 Friday 26 March  
 Friday 23 April

\* Third Friday

All meetings scheduled for 10:30 am, with Members' training at 9:30 am.