

**ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION  
COMMITTEE 24 JULY 2020**

**Item 4.1 (DR20/20) Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH**

**Page 38 - BACKGROUND**

Appendix A – Development & Regulation Committee Report from January 2020 has not been attached.

A link to the January 2020 Agenda Pack for the Committee is provided [here](#) and copy of the report appended at the end of this Addendum.

**Item 5.1 (DR/21/20) Paxman Academy, Paxman Avenue, Colchester CO2 9DQ**

**Page 42 – SITE**

4th paragraph should read *“The surrounding area is predominantly residential with residential properties to the south in Paxman Avenue, west in Bishops Road, north in Shrub End Road and east in Walnut Tree Way.”*

**Page 42 – POLICY CONSIDERATIONS**

1<sup>st</sup> paragraph 2<sup>nd</sup> line should read *“...adopted October 2010 (selected policies revised July 2014) provide the development plan...”*

**Page 44 – POLICY CONSIDERATIONS**

2<sup>nd</sup> paragraph 3<sup>rd</sup> line should read *“...bring forward any resulting revised strategic proposals for the Section 1 Local...”*

5<sup>th</sup> paragraph 1<sup>st</sup> line should read *“The requirement for the further work on Section 1 of the Plan has resulted in...”*

**PAGE 45 – CONSULTATION**

5<sup>th</sup> bullet point should read *“We would request that any comments from neighbours and Local Members are taken into consideration prior to determination.”*

**PAGE 45 – REPRESENTATIONS**

Six letters of representation have been received.

**PAGE 50 – POLICY CONSIDERATIONS & IMPACT ON EXISTING PLAYING  
FIELD**

5<sup>th</sup> paragraph 4<sup>th</sup> line *“provide”* should read *“provided”*.

## PAGE 51 – LOCATION AND LAYOUT OF MUGA

2<sup>nd</sup> paragraph 3<sup>rd</sup> line should read “ *would provide access via the double gates.*”

3<sup>rd</sup> paragraph should read “*Representations have been received from residents regarding the location of the proposed MUGA, questioning the need for it to be located so close to the boundary of the school and residential properties, as there appears to be ample space on the playing field.*”

## PAGE 52 – IMPACT ON THE NATURAL ENVIRONMENT

7<sup>th</sup> paragraph 6<sup>th</sup> line “was” should read “were”.

8<sup>th</sup> paragraph new final sentence to read “*However following further discussions between the applicant and the County’s Landscape Architect it has been agreed that further planting would not be feasible in the 3m space between the acoustic fence and boundary of the school.*”

## Page 54 – IMPACT ON RESIDENTIAL AMENITY

4<sup>th</sup> paragraph 2<sup>nd</sup> line inset “acoustic” to read “*2.4m high acoustic fence*”

## Page 55 – IMPACT ON RESIDENTIAL AMENITY

2<sup>nd</sup> paragraph new final sentence to read “*However, as stated previously, following further discussions between the applicant and the County’s Landscape Architect it has been agreed that it would not be feasible to provide any additional planting.*”

3<sup>rd</sup> paragraph last line should read “*reduced to an acceptable level.*”

## Page 55 – TRAFFIC & HIGHWAYS

New 2<sup>nd</sup> paragraph to read “*The existing emergency access to via Walnut Tree Close to the east, across land which remains in the possession of Essex County Council rather than the Academy.*”

## Page 57 – RECOMMENDED

3<sup>rd</sup> bullet point to be replaced with:

- S103537 L1222 Rev B – Site Plan – 12.3.19

**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

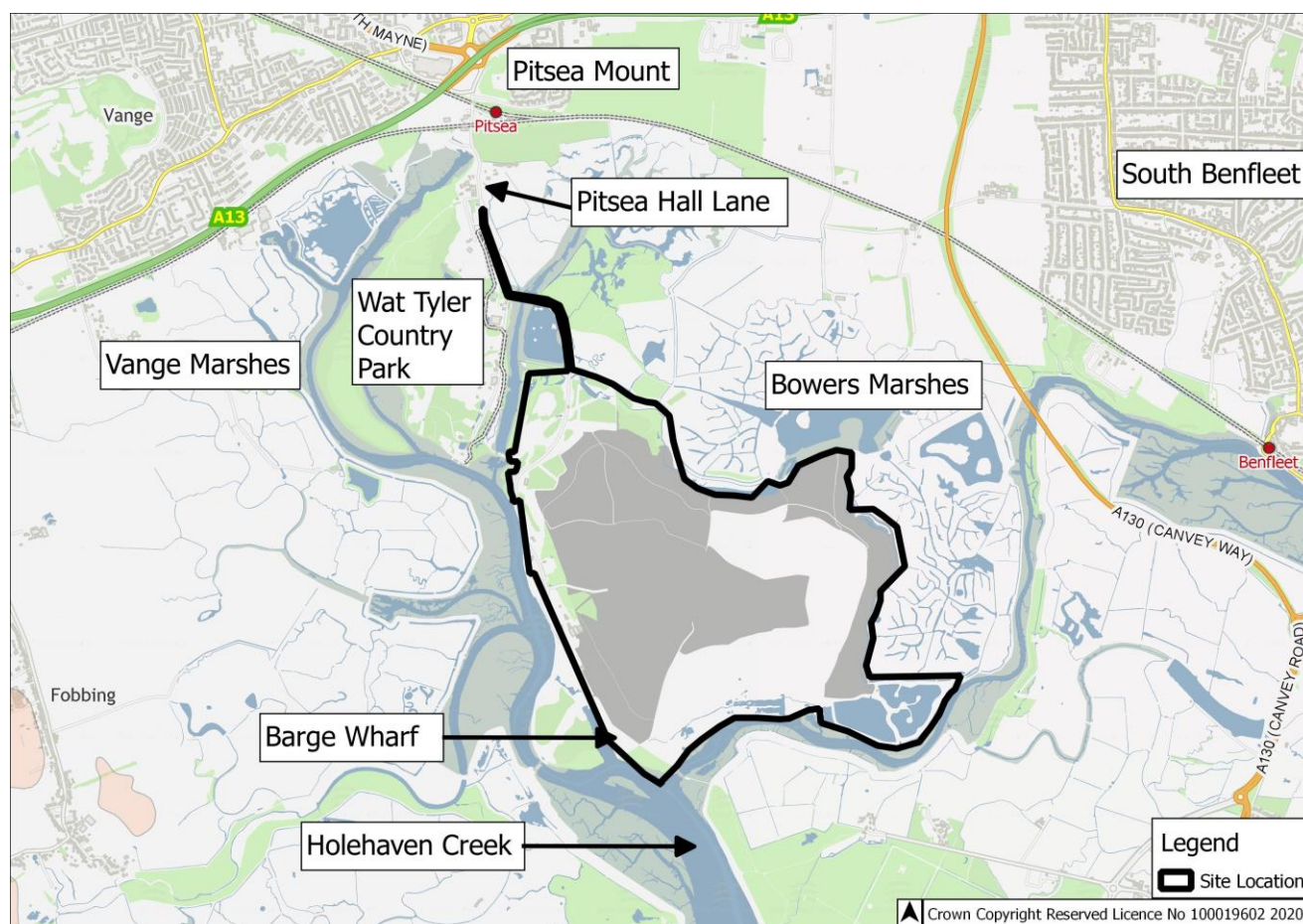
**Applicant:** Veolia ES Landfill Ltd

**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**

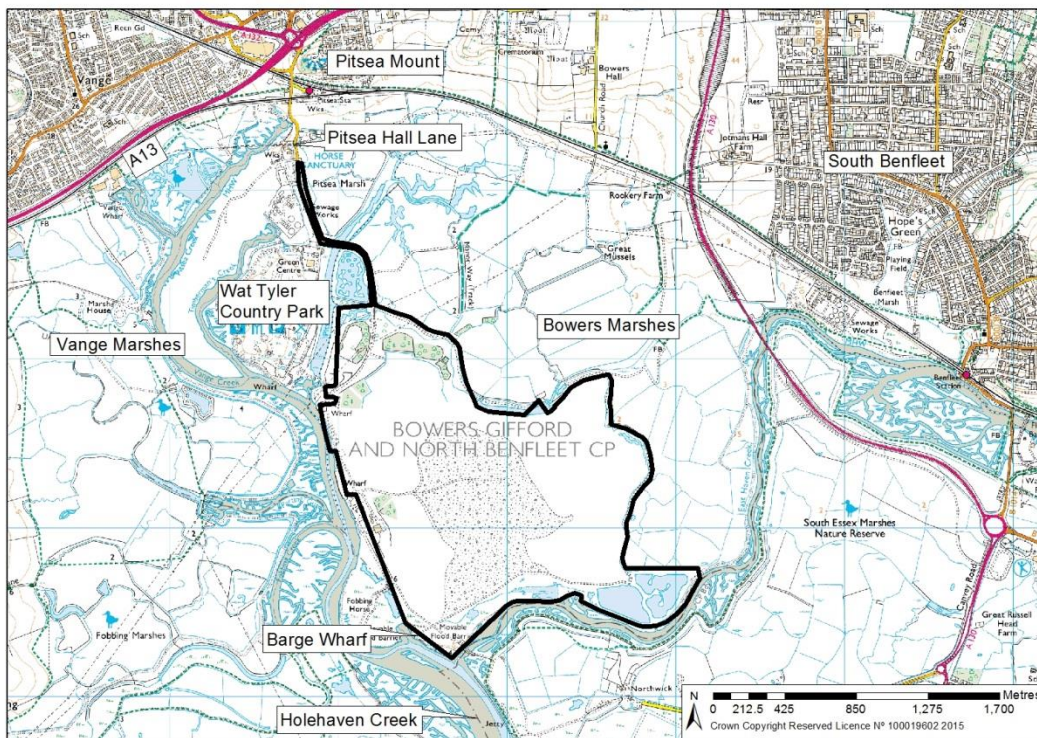
Ref: **ESS/49/14/BAS**

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 PAD13.

## 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

## Appendix 2

### 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	Unify 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 TOMALIN 20/12/19	
<b>TOTAL POINTS (HARM SCORE)</b>			<b>5</b>