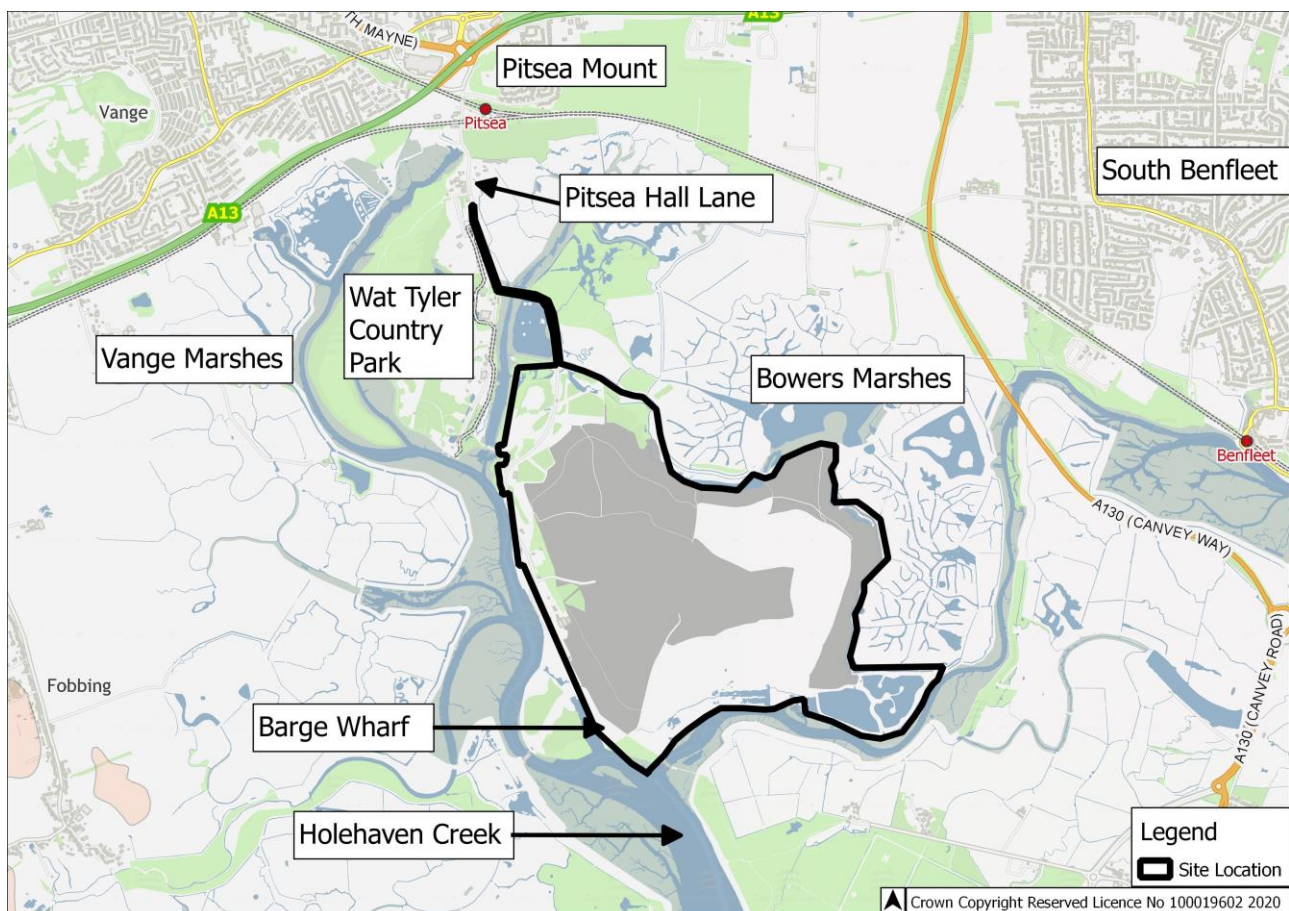


DR/02/21**Report to:** DEVELOPMENT & REGULATION (26 February 2021)

Proposal: MINERALS AND WASTE DEVELOPMENT - 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 (part retrospective)

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: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

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1. BACKGROUND

Last year in 2020 the Committee considered a number of updating reports ([January 2020](#), [July 2020](#) and [October 2020](#)) with respect to the above planning application and circumstances at Pitsea Landfill.

Pitsea landfill has been in existence for many years dating back to early 1900s and has been subject to a number of planning applications.

The last planning permission was granted in 2007 and gave planning permission for the landfill to December 2015, with restoration to be completed by December 2017.

Planning application ESS/49/14/BAS was made in 2014, seeking to extend the life of the site, such that landfilling would be complete by 2025 and restoration by 2027. Additional time was anticipated to be needed in 2014 due to a number of factors likely to reduce landfill input rates.

The Development & Regulation Committee resolved in [September 2015](#) to grant planning application ESS/49/14/BAS, subject conditions and legal agreements.

The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site for nature conservation and public access.

Neither of these legal agreements were completed, such that the site has been operating without the benefit of planning permission, although the operator continues to work to the spirit of the original conditions and restoration of the site has been progressing.

In January 2020 Members resolved not to take enforcement action with respect to the lack of planning permission and allow Veolia to find alternative proposals that would allow a revised recommendation, namely an alternative to the provision of a pedestrian bridge and an alternative mechanism for long-term management of the site.

Veolia has subsequently amended the proposals the details of which are explained in the report.

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, which is a no through road, running 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 weighbridge office/gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility (permitted until 2023), storage buildings, leachate treatment facility, generator compound producing electricity from landfill gas, workshops and associated fixed plant. There is also an inert recycling facility that screens inert materials to be provide materials for capping and restoration (permitted until 2023).

3. PROPOSAL

The application seeks to extend the time period for completion of landfilling until 31 December 2025 from 2015 and completion of restoration by 31 December 2027 from 2017.

At the time the application was made in 2014 it was envisaged landfilling rates were likely to dramatically decrease, but in fact rates remained high and in 2018 the landfill stopped receiving non-hazardous waste. There remains a small capacity for non-hazardous material, but this has been retained to ensure there is adequate capacity to dispose of non-hazardous waste arising from final restoration and decommissioning of the various buildings and facilities on the site.

It is anticipated that the site will be restored by December 2027, potentially earlier

depending on the supply of inert materials, which has declined with the slow down in construction due to the Covid pandemic.

The application in 2014 also sought the removal of a condition that limited the geographical source of waste imposed in 2007, that prevented the importation of waste from London and Kent.

The original proposals included the carrying forward of legal obligations of the previous S106, namely the provision of a pedestrian bridge over the railway line and the long-term management of the site by the RSPB. Unfortunately neither of these elements are now possible. And revised details were submitted in May 2020, to address these changes that have been subject of consultation.

The original S106 associated with the planning permission issued in 2007 secured an offer by Veolia to provide a pedestrian bridge over the railway line on Pitsea Hall Lane. Despite best efforts by ECC and Veolia the delivery of a pedestrian bridge over the railway line was hindered by the requirements of Network Rail and costs were escalating without any clear prospect that the bridge would eventually be delivered, thus the offer made by Veolia to fund the bridge was withdrawn and alternatives to improve pedestrian access pursued. ECC Highways have drawn up draft proposals for an alternative to the pedestrian bridge, to be funded by Veolia.

The alternative to a separate pedestrian bridge are proposed improvements to the existing bridge over the railway line on Pitsea Hall Lane including a one-way priority system across the bridge for vehicles, which allows a greater width for a pedestrian path on the east side of the bridge. The priority would be given to vehicles travelling south. The details of the bridge improvements are not specifically part of the planning application, but Veolia would provide funds for ECC to undertake these works.

The original proposal with respect to long-term management of the site was that the RSPB would take on the long-term management of this site. However, due to funding issues the RSPB no longer wishes to take on this responsibility and the operator would now take on the responsibility themselves. Provision would be made such that should another organisation with experience in controlled public access and nature conservation want to take on the management of the site, this would be possible, subject to the Waste Planning Authority's agreement.

The proposed afteruse once restoration is complete would be as before to nature conservation and to provide permissive access to the public. The exact start of public access will depend on completion of restoration/aftercare works and when the management systems for landfill gas and leachate are at an appropriate stage to allow safe access. Public access would be provided 150 years from the date of first public access.

In addition currently the long-distance Coastal Access route from Tilbury to Southend departs from the water's edge near Pitsea Station following an inland route until it rejoins the estuary near Benfleet Station. The applicant is willing that should in the future there be a desire to revise the route to a route closer to the water within Pitsea landfill the applicant would be willing to facilitate this on land in their control.

An amendment is also proposed to the restoration masterplan, the site has been restored using different sources of imported soils, there are three main habitats being created.

- Grassland upon gravel (acid grassland)
- Grassland upon clay (dry neutral grassland)
- Grassland upon chalk (calcareous grassland)

There has been a greater availability of chalk being brought by barge from projects in London and hence the area of chalk grassland has been increased reducing the area restored to grassland upon clay.

Inert materials would to be imported to the site by road and barge, which are used in the capping and restoration of the site. It is anticipated that importation of inerts would be necessary for the next 2 to 3 years.

All other elements of the landfill and restoration are not proposed to change.

The application when submitted was supported by an update to the Environmental Statement of 2007.

4. POLICIES

The following policies of the, [Waste Local Plan, Basildon Local Plan saved policies 2007](#) and the emerging [Basildon Local Plan 2018](#) provide the development plan framework for this application. The following policies are of relevance to this application:

ESSEX AND SOUTHEND WASTE LOCAL PLAN (WLP) 2017

Policy 9	Waste Disposal Facilities
Policy 10	Development Management Criteria
Policy 11	Mitigating and Adapting to Climate Change
Policy 12	Transport and Access

BASILDON DISTRICT LOCAL PLAN SAVED POLICIES (BDLP), SEPTEMBER 2007:

Policy BAS BE12	Development Control
Policy BAS GB1	The Definition of the Green Belt
Policy BAS C1	Protected Areas
Policy BAS C2	Country Parks
Policy BAS C7	The Marshes Area

BASILDON BOROUGH REVISED PUBLICATION LOCAL PLAN 2014-2034 (BRLP), OCTOBER 2018:

Policy SD1	A Strategic Approach to Sustainable Development in Basildon Borough
Policy SD4	Presumption in Favour of Sustainable Development
Policy T1	Transport Strategy
Policy T3	Improvements, Cycling and Bridleway Infrastructure
Policy T7	Safe and Sustainable Access

Policy NE1 Green Infrastructure Strategy
Policy NE2 Country Parks
Policy NE3 Local Wildlife Sites
Policy NE4 Development Impacts on Ecology and Biodiversity
Policy NE6 Pollution Control and Residential Amenity
Policy HE1 Strategy for Conserving and Enhancing the Historic Environment
Policy HE3 Listed Buildings
Policy HC1 Health and Well-being Strategy
Policy HC10 New and Enhanced Community Facilities
Policy GB11 Positive Uses of Land in the Green Belt

NEIGHBOURHOOD PLAN

While a Bowers Gifford and North Benfleet Neighbourhood Area has been accepted by Basildon BC, there has been no progress on a draft Neighbourhood Plan

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

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

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

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

may be given).

The level of consistency of the policies contained within the Waste Local Plan is set out in [Consistency Appraisal](#). The level of consistency of the policies contained within the Basildon Local Plan 2007 is set out [here](#).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. Basildon Borough Revised Publication Local Plan 2014-2034, October 2018 could be considered at Examination this year, some limited weighted can be applied to the polices.

5. CONSULTATIONS

Summarised below are the responses to revised changes only:

BASILDON BOROUGH COUNCIL: No objection, subject to inclusion of the following obligations

- provision of the suggested traffic measures to the railway bridge in Pitsea Hall Lane;
- that appropriate after care management arrangements for the site are being put in place by the developers; and
- that a financial contribution towards cycling/walking route improvements between Pitsea town centre and Wat Tyler Country Park and the application site is provided, to enable users to visit these attractions in a more conveniently and in an improved manner.

It is hoped that waste quantities have been calculated accurately to ensure no further extension of time is required.

THURROCK COUNCIL: No comments received

CASTLE POINT BOROUGH COUNCIL: No comments received

ENVIRONMENT AGENCY: No objection. There is an environmental permit for the site, this will remain in place until after 2027. The permit will ensure leachate and landfill gas is managed. There is also an agreed restoration plan covering the materials used on the site.

NATURAL ENGLAND: No objection, subject to appropriate mitigation, including reimposition of existing conditions to minimise impacts and monitoring the impact of barge movements. A Habitats Regulation Assessment was required in June 2020. ECC has provided a HRA assessment and the conclusions are accepted based on the current proposals, the information available and proposed mitigation. Further HRA assessment may be required when details of restoration are available and also if the route of the National Coastal Path is considered for change.

RSPB: No comments received

PORT OF LONDON AUTHORITY: No comments received

NETWORK RAIL: No comments received

HIGHWAY AUTHORITY: No comments received

PLACE SERVICES – ecology: No objection. Offered the following comments: The revised restoration would result in a disconnected area of chalk grassland, which may give rise to long-term management issues. That said, if the area is grazed this may give rise to a post-industrial flower-rich open vegetation.

Experience from other similar projects has shown the following are important for successful grazing projects; layout of the site to enable stock, public and maintenance vehicles do not come into conflict; with appropriate fencing; and water supply.

Habitats Regulation Assessment undertaken and noted that mitigation in the form of the following should be required:

- Continuation of Veolia involvement in barge impact study group
- Management of gulls and foxes through implementation of “predator Monitoring and Management Plan”
- Re-imposition of conditions with respect to noise, dust, hours of operation and best practice with respect to landfill gas and leachate management.

Any relocation of the coastal path is likely to need careful consideration to avoid any resulting adverse impacts on adjacent ecological sensitive areas and is likely to require a Habitats Regulation Assessment in the future.

PITSEA MOUNT RESIDENTS ASSOCIATION: A footbridge is still considered to be the safest crossing route for pedestrians.

The proposed directional priority Scheme should improve safety for pedestrians, but raise the following concerns:-

- Is there a need to introduce a cycle lane? There is no continuation of the cycle lane until beyond the railway crossing going south and none at all in Pitsea Hall Lane going north.
- Cyclists could dismount to cross the bridge or continue to use the road as at present.
- Removing the cycle lane across the bridge will provide more space for pedestrians, especially helpful when encountering other pedestrians coming in the opposite direction.
- The dropped kerb intended as entry and exit points for cyclists may encourage motor vehicles to mount the kerb.
- Cyclists using the proposed cycleway could be in danger when re-joining the carriageway at a junction with vehicles turning.
- Containment kerbing similar to that shown on the opposite side of the road could be used to protect pedestrians by replacing part of the cycleway.

A number of concerns were also raised with respect to road users

- The potential to create traffic build-up.
- A yellow hatched box as a clearer control than the current “Keep Clear” road marking at the junction with Brackendale Avenue.
- The location of the overrun area and the “Give Way” road markings relative

to the junction with Station Approach.

- The difficulties of manoeuvring large articulated vehicles through the area.

A trial period using temporary signage was suggested before full implementation.

CANVEY ISLAND TOWN COUNCIL: No objection

BOWERS GIFFORD & NORTHBENFLEET PARISH COUNCIL: No comments received

LOCAL MEMBER - BASILDON – Pitsea: Any comments will be reported verbally
LOCAL MEMBER – BASILDON - Westley Heights: Any comments will be reported verbally

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

6. REPRESENTATIONS

17 properties were directly notified of the application, although the majority are commercial properties. No letters of representation have been received, with respect to consultation undertaken in relation to the revised details consulted upon in summer 2020.

7. APPRAISAL

The following appraisal seeks only to reconsider issues where the revised proposals affect the consideration in the [2015 Committee Report](#) and to update the consideration in light of the adoption of Waste Local Plan in 2017 and emerging policies of Basildon Borough Council Local Plan.

The main issues for consideration are as follows:

- 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 need to complete landfill to ensure a satisfactory landform shape and thus beneficial afteruse remains a fundamental consideration as explained in the 2015 Committee report.

Since the 2015 report landfill importation of non-hazardous waste has largely been completed, ahead of the time anticipated in the application in 2014. There remains only limited capacity for non-hazardous capacity, this has been retained to ensure there is adequate capacity on site to dispose of any materials from

decommissioning the site. However, inert materials are still required for capping and restoration and it is anticipated these will continue to be imported by road and barge for next 2 or 3 years to allow completion of restoration in approximately 2023. However, the original proposals with respect to timescales are not revised giving flexibility for restoration materials to be able to be imported until 2025 with final restoration by 2027, should imports of inert materials be slow.

Since the original Committee resolution in 2015 restoration has progressed and the majority of the site is now restored. In the last 2 years works have started with respect to decommissioning the landfill site, and redundant buildings and infrastructure have started to be removed.

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.

The evidence base for the current Waste Local Plan adopted in 2017 took into account the capacity at Pitsea Landfill and it along with other sites was one of the reasons no new non-hazardous landfill capacity was allocated within the WLP.

WLP policy 9 (Waste Disposal Facilities) supports “.. an extension of time to complete the permitted restoration within the boundary of an existing landfill site...”.

In addition Policy 11 (Mitigating and Adapting to Climate Change) seeks to minimise the impacts on climate change by reducing greenhouse gas emission, incorporating energy and water efficient design measures. The proposals to complete the landfill would minimise water ingress into the site and ensure proper management of surface water, in turn reducing leachate production within the site.

With respect to landfill gas the site is being restored with a landfill gas collection system and the gas is being currently used to generate electricity on site. The generators have been permitted under separate planning permissions and are modular such that additional units can be added or removed as gas levels from the site change.

The need for the additional time is therefore considered to be in conformity with both National waste planning policy and the Waste Local Plan policies 9 and 11.

As mentioned previously the application in 2014 also sought the removal of a condition that limited the geographical source of waste imposed in 2007, that prevented the importation of waste from London and Kent. Changes in national and local plan policy would now not support such a condition and therefore its deletion could not be withheld, the background to this is explained more fully in the 2005 Committee Report.

B BASILDON LOCAL PLAN POLICIES

The adopted Local Plan for Basildon remains the Saved policies from 2007 that were considered as part of the 2015 Committee Report. With respect to the emerging Local Plan, there are no new specific designations that relate to site. The site is located within the Green Belt which is considered later in the report.

Emerging policy NE1 (Green Infrastructure Strategy) seeks to develop the green infrastructure in Basildon, ensuring protection of existing ecology sensitive areas, enhancing biodiversity, recognises the importance of country parks and using green infrastructure to buffer and enhance water courses. In addition the policy seeks green infrastructure that is multifunctional. Emerging policy NE2 seeks to enhance and protect Country Parks, while NE3 seeks to protect and enhance Local Wildlife Sites. Policy HC1 seeks to promote good physical and mental health and healthy lifestyles through access to opportunities for recreation including walking. Emerging policy HC10 seeks to provide community facilities in the right locations, including in association with outdoor recreation.

The proposed restoration to nature conservation with public is in accordance with these emerging policies. Obligations within the existing S106 seek to ensure potential future pedestrian and vehicular connectivity between Wat Tyler Country Park and these obligations would be carried forward into a new legal agreement. The restored landfill would deliver public open space in conjunction with enhancing biodiversity. Its location within ecological sensitivity areas is historical, but the proposed restoration would be sympathy with surrounding ecological designations and adjacent wildlife sites. The proposals are considered to be in accordance with emerging policies NE1, NE2, NE3, HC1 and HC10.

C GREEN BELT

The site remains within the area designated as Green Belt and Policy GB1 Strategic Approach to Green Belt Protection of the emerging Basildon Local Plan, continues to seek to protect the Green Belt from inappropriate development. Consideration of Green Belt policy is set out within the 2015 report and consideration issues remain unchanged.

It should be noted that there is infrastructure that supports the operation of the landfill, that would require to remain on site, particularly that relating to leachate and landfill gas management. However, structures previously required as part of the importation of non-hazardous waste are already being removed to minimise the built development that remains upon completion of restoration, thus minimising the “the inappropriate development “ in the Green Belt.

Obligations within the new S106 are proposed seeking the removal of the leachate treatment lagoons, located on the NE of the site. The lagoons include one at near natural ground levels and a further where containment walls rise above the ground. It is anticipated with capping of the landfill the volume of leachate will decrease such that the storage lagoons, which in part treat the leachate will no longer be required. To improve the landscape and visual appearance and also to minimise the safety hazard from such lagoons, their removal is preferable. However, the timescale as to when the lagoons would no longer be required and thus their

removal is not clear and would need to be acceptable to the Environment Agency. Thus it may be a number of years before this is possible and this flexibility is reflected in the legal obligations for their removal.

While the impact upon the Green Belt is to be minimised it is recognised that completion of the landfill is nonetheless in appropriate development in the Green Belt, however, it is considered the need to complete the restoration and enable delivery of the restoration afteruses, amounts to very special circumstances, such that refusal on its location within the Green Belt is not warranted.

The proposals are considered to be in accordance with Green Belt policy.

D ECOLOGICAL IMPACTS

The NPPF and policies of the Waste Local Plan and Basildon Plans seek to protect ecological sensitive locations and enhance biodiversity.

There has been no change with respect to the sensitivity of the site, be locating amongst various designations, local national and internal ecological designations, such the previous consideration in 2015 is still largely appropriate with respect to additional time to complete restoration.

However, the proposals do include a small change to the restoration scheme, increasing the area of calcareous grassland (Chalk grassland) and reducing the area of dry neutral grassland (clay grassland). The change does result in a slightly unusual pattern of grassland not envisaged as part of the original restoration proposals, but the availability of restoration materials has determined this change. While perhaps the original layout of areas of different grasses was preferable, it is considered the timely restoration of the site is a more important factor. It has also been commented by the County's ecologist that the mix of grassland areas would create more interfaces between the habitat types and could give rise to more varied habitats. However, the long-term management of the site would also be an important factor in delivery the biodiversity benefits and care would need to be taken to ensure management techniques including grazing are factored in at an early stage to ensure, stock, people (and their dogs) do not come into conflict. Such matters would be addressed in the management plans to be secured by condition and legal agreement. It is therefore considered the change to the restoration scheme is acceptable.

With respect to long-term management at the time of the application in 2014 and the Committee's original consideration of the application it had been anticipated that the RSPB would take on long-term management of the site. However circumstances have changed and the RSPB no longer wishes to take on the responsibility due to a change in financial circumstances. Veolia will therefore continue to manage the site themselves.. Should another body with appropriate experience/knowledge in managing areas of nature conservation with public access wish to take on the site this would not be precluded subject to approval by the Waste Planning Authority, this would be secured through the legal agreement.

The detail of where routes would be located for public access and the mechanism for management of the vegetation i.e. grazing or cutting, fencing etc have not been

submitted and these would be required to be submitted by condition. The restored areas would be subject to aftercare and some areas have already been subject to a number of years of aftercare. Details of aftercare and the long-term management of the site would be required by a combination of conditions and legal obligations. Public access would be sought at the earliest opportunity, taking into account the need to ensure public safety particularly with respect to leachate and landfill gas management systems. The S106 would secure the commitment for public access, which has been offered for a period 150 years from first public access.

Since considered of the application in 2014, the Habitats Regulations have advanced such that Natural England in their response requested a Habitats Regulation Assessment (HRA). Place Services (Ecology) have undertaken this assessment and subject to the imposition of previous conditions and carrying forward obligations with respect to Veolia's participation in the barge impact study, and management of gulls and foxes, it is, considered there would be no adverse impacts upon the ecological designations.

The original restoration scheme incorporated both temporary and permanent areas for short rotation coppice (SRC). The intention being that Basildon BC would use the woody material generated in their heating system at Wat Tyler Country Park, for various reasons the material has not been utilised and will not be utilised in the future. A temporary area for SRC was planted on the east of the site adjacent to the Bowers Marsh RSPB reserve. It was always intended this area would be removed as its long-term presence would not be appropriate as the grown willows would encourage Corvids who are likely to predate upon the adjacent wild birds. An area for long term SRC has also been planted and it had been intended to remain, being cut regularly. As the coppicing is not to take place, the willow is likely to mature creating only one type of habitat, rather than providing a variety of habitats through coppicing. The RSPB have expressed a wish for the permanent areas of SRC to also be removed. Removal of the areas of SRC, both temporary and permanent, would be an obligation of the S106, as works to achieve its removal and prevent regrowth may require works that need planning permission, such as importation of material to cover the stumps.

The proposals also offer a commitment by the landowner to make a route available for National Coastal Path through the site, should a route be desired closer to the waters edge. However because of the sensitive ecological designations along the water's edge any such change is likely to require a Habitats Regulations Assessment. Nonetheless the offer for the paths potential route through the site would be secured through the legal agreement.

Overall it is considered subject to reimposition of previous conditions that seek to minimise the impact of the development on ecology and conditions and obligations described above, the restoration scheme and its afteruse are in accordance with both Waste Local Plan policies 9 and 10 and adopted BAS C1 and emerging policies NE1 and NE4 of the Basildon Local Plan, in that the restoration would deliver biodiversity benefits as well as providing public open space.

E TRAFFIC & HIGHWAYS

There would be no additional traffic movements arising from the extended

timescale. It is proposed to leave the maximum vehicle movements controlled by condition at their previously permitted level i.e. 1100 movements per day. It is unlikely this would be reached now that non-hazardous waste imports have ceased. However, it is possible that a particular project providing inert materials for restoration might occur giving rise to a short period of higher HGV movements. Historically 100 movements were permitted on Sundays and Bank holidays, associated with local authority contracts, but as these are no longer required as they were associated with non-hazardous waste, these movements would no longer be permitted. It should be noted that the separate permission for green waste composting might still result in limited HGV movements on Sundays and Bank Holidays associated with the operation House Waste Recycling Centre and catch up after public holidays.

Obligations with respect to vehicle movements and routing of HGVs which exist within the existing S106 would be carried forward, except the Sunday/public holiday movements.

As explained previously Veolia had offered to fund a pedestrian bridge over the railway line on Pitsea Hall Lane and this was secured by an obligation in the previous S106. Despite considerable effort by Veolia and ECC, the authorisations required from Network Rail have proved very problematic and Veolia have now withdrawn this offer, as costs were escalating with no sign that the bridge would be delivered. It should be noted that the pedestrian bridge was an offer from Veolia and not specifically required on highway safety or capacity grounds.

As an alternative ECC Highways have put together draft proposals for improvements to the existing bridge which would see a one way priority system over the road bridge, allowing a wider footpath for pedestrians. Such a scheme had not been possible before, due to the much higher volume of HGV traffic visiting the landfill. Initially the draft improvement scheme included a cycle lane as part of the path, but upon further consideration by the Essex Highways and in light of comments from Pitsea Mount Residents Association the scheme has been revised. The pedestrian footpath would be widened and road signage would direct cyclists to remain on the road but making vehicles aware of the potential for cycles. Veolia are willing to fund these works and this would be secured through a S106 obligation. The final details of the scheme would be a matter for the Highway Authority.

The improvement scheme would still require an "Basic Asset Protection Agreement" (BAPA) from Network Rail, due to it affecting a bridge over the railway line and being it relatively close proximity to the level crossing to the south of the bridge. After discussions with Network Rail, while the cost of such a BAPA could run to tens of thousands of pounds, in view of Network Rail's part in the difficulty in delivering the pedestrian bridge Network Rail have agreed to waive the fee in this instance.

There is an existing cycle way footpath south of the level crossing on Pitsea Hall Lane. The cycle/footway has become slightly overgrown and would benefit from clearance and Veolia have agreed to fund a one off clearance of the cycleway/footpath to improve non-vehicular access along Pitsea Hall Lane which also provides access to Wat Tyler Country Park. This could be secured through an

obligation in a legal agreement.

These legal obligations would secure the improvement of both pedestrian and cycling access to Pitsea Railway Station as well improving access south along Pitsea Hall Lane to the restored landfill once open to the public as well as to Wat Tyler Country Park. These improvements would in part meet with the requirements of Basildon Borough Council to fund improvements to the cycling/walking route between Pitsea town centre and Wat Tyler Country Park.

However, Basildon Borough Council also sought an additional financial contribution towards improving access from Pitsea Town Centre south along Pitsea Hall Lane to Wat Tyler Country Park. The principle of the restoration of the landfill to nature conservation with public access was established as part of the 2007 planning permission, this has not changed as part of the current proposals, which mainly seek an extension of time to complete the development.

The improvements to both pedestrian and cycling access provided by the proposed improvements to the bridge and maintenance works to existing cycle path and walkway will improve access to Wat Tyler Country Park, but it is not considered that a further contribution towards other improvements can be justified through the S106 when considered against the tests for funding as set out in the NPPG i.e.

They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

It is not clear what the funding would actually deliver. There is an emerging Cycling and Pedestrian strategy for Baidon but no specific proposals are proposed between Pitsea Town Centre and Wat Tyler Country Park. It is not considered that the funding is necessary to make the extension of time to complete the landfill acceptable in planning terms so that it is directly related to the development. It is also considered that the improvements already offered to be funded are appropriate in scale and kind to the development. The applicant is unwilling to provide further funding and it is not considered that planning permission could be withheld on these grounds.

It is therefore considered that the proposal are in accordance with WLP policy 10 (Development Control) and policy 12 (Transport and Access) and BLP policy BAS BE12 (Development Control).

F LANDSCAPE AND VISUAL IMPACT

The revised proposals would result in very limited change to landscape or visual appearance of the site. The small change in grass types is on the southwest of the site and not in a particularly visually accessible location and unlikely to be necessarily detectable.

The visual appearance of the site has already improved with the majority of the landfill surface restored and is being further improved with the removal of

redundant buildings and infrastructure. The concrete road along the west side of the site would remain, in part as it provides access for the EA to flood defence barriers, in part as it is a Rescue Vehicle Path to Canvey Island (although this rarely used), but also because the road potentially could form part of the network of paths around the site.

The proposals are considered to be in accordance with WLP policies 10 and 12 emerging BRLP policy T3, T7.

G NOISE, DUST & AIR QUALITY

The revised proposals would not give rise to impacts with respect to noise, dust and air quality, that were not previously considered in the 2015 report. The completion of non-hazardous waste will have greatly reduced the potential for impacts, but conditions relating to control of noise, dust and air quality would be re-imposed. The landfill is also subject to an Environmental Permit administered by the EA.

The proposals are considered to be in accordance with Waste Local Plan policy 10 (Development Management) and BAS BE12 (Development Control).

I CULTURAL HERITAGE

The revised proposals would have no additional impact on cultural heritage assets that were not previously considered in the 2015 Committee report.

The proposals are therefore considered to be in accordance with WLP policy 10 (Development Management), BLP policy BE12 (Development Control) and emerging BRLP policy HE3.

8. 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 ecologically sensitive location, due to the number of both internationally and nationally designated ecological sites. The NPPW recognises that while landfill, 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 environmentally 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 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 9, 10, 11, and 12 and BDLP policies BAS GB1 (Green Belt), BAS C1 (Protected Areas), BAS C2 (Country Parks) and BAS C7 (The Marshes Area) and is considered to be in conformity with the development plan as a whole.

9. **RECOMMENDED**

That planning permission be **granted** subject to

- i. The prior completion, within 12 months, of Legal Agreements under the Planning and Highways Acts to secure obligations covering the following matters:
 - Submission of outline long-term afteruse and management plans for the application site and Fobbing Horse Area, with programme of works to reviewed initially yearly for first 10 years and then at agreed intervals not more than 5 years apart thereafter. The outline long-term afteruse and management plans to be funded by developer drawn up by a suitably experienced consultant or environmental body in consultation with relevant stakeholders. Developer to implement and fund the works set out in the Management Plans.
 - Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare giving permissive public rights of access
 - Developer to fund improvements to the existing Pitsea Hall Lane Railway Bridge and improved road signage for cyclists up to £100,000
 - Developer to fund vegetation clearance and surface clearance of the existing dedicated footpath cycleway on Pitsea Hall Lane
 - Developer committed to allowing a revised route of National Coastal Path to pass through the site, if such a proposal were brought forward and fund works to achieve this.
 - Provide for a liaison group to meet annually for the remainder of the restoration and aftercare works and as required during the management period
 - Upon completion of the restoration not to use the Site other than for, aftercare, biodiversity, public open space for informal recreation, agriculture necessary for aftercare to achieve enhanced biodiversity and public access

purposes

- Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare to give permissive public rights of access. The routes of permissive paths to be submitted for approval prior to first public access.
- Management of the site for informal public recreation and to enhanced biodiversity for 150 years starting from first public access.
- Management of the site by Veolia with advice from consultancy or organisation with experience of management of sites for informal public recreation and to enhance biodiversity.
- In the event that management is passed to an Environmental Body, the Environmental Body to be approved by ECC.
- To retain the site offices, for use by staff in the management of the site for informal recreation and biodiversity purposes and 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.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access (if safe to do so by the existing bridge) to Wat Tyler Country Park via the Old Redland Road.
- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.
- The removal and eradication of the willow coppice on both the temporary and permanent areas of short rotation coppice, obtaining any necessary planning permissions, permits and licences to achieve such.
- Upon completion of the restoration, to review 5 yearly the need for the leachate lagoons and open leachate channel around the site with the aim to remove and restore the leachate lagoons and leachate channels or enclose the leachate channel as soon as practicable. In any event the removal and restoration of the raised leachate lagoon, not later than 31 September 2035, obtaining any necessary planning permissions, environmental permits or licences.
- 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
- The total number of all HGV movements in relation to all waste management activities at the site Monday to Saturday shall not exceed 1100 movements

per day (550 in 550 out). In addition no more than 100 HGV movements per day on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority.

- The southern wharf shall only be used for the importation of restoration and engineering materials. Upon completion of the 5 year aftercare across the whole site the Southern wharf shall cease to be used as a wharf without compensation.

ii. And conditions as set out below

1	<p>The development hereby permitted shall be deemed to have commenced on on the date of this decision notice.</p> <p>For the purposes of this condition, the implementation of this planning permission (ref: ESS/49/14/BAS) would then supersede planning permission ref: ESS/35/06/BAS</p>
	<p><i><u>Reason:</u> To comply with section 91 of the Town and Country Planning Act 1990 (as amended).</i></p>
2	<p>The developer shall notify the Waste Planning Authority in writing within 7 days of the placement of soils on the last phase of the landfill.</p>
	<p><i><u>Reason:</u> To enable the Waste Planning Authority to control the development, to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with WLP policy 10 and 12.</i></p>
3	<p>The development hereby permitted shall be carried out in accordance with the details of the application dated 30 June 2006, and the mitigation measures set out in the accompanying Environmental Statement dated June 2006 prepared by AERC (Report Ref. 16063/R2328).</p> <p>and the following drawings:</p> <ul style="list-style-type: none"> • 16062/PA/01 - Location Plan • 16062/PA/02 - Planning Application Boundary • 16062/PA/03 - Environmental Information • 16062/PA/04 - Utilities Plan • 16062/PA/05 - Existing Situation • 16062/PA/06 - Proposed Restoration Phases • 16062/PA/07 - Proposed Pre-Settlement Contours • 16062/PA/08 - Pre-Settlement Cross Sections • 16062/PA/09 - Proposed Post-Settlement Contours • 16062/PA/10 - Post-Settlement Cross Sections • 16062/PA/14 - Existing Gas Management System • 16062/PA/15 - Proposed Gas Management System • 16062/PA/16 - Surface Water Management Plan • 16062/PA/17 - Currently Approved Landform and Consequences

	<p>As amended by planning application ESS/49/14/BAS dated 10 November 2014 accompanied by Volume 1 – Planning Supporting Statement and Volume 2 - Environmental Statement both dated November 2014 and prepared by SLR and the following drawings</p> <ul style="list-style-type: none"> • P/1 Site Context Plan dated June 2014 • P/2 Site Restoration dated June 2014 • PIT/Res/405E Progressive Restoration Completed up to 2019 dated 16/01/2020 • PIT/RES/453 Projected Restoration 2020 dated 07/02/2020 • Figure 3 Revised Restoration Masterplan dated January 2018 <p>and the following amending letters and emails</p> <ul style="list-style-type: none"> • Letter from SLR dated 11 February 2015 and accompanying Heritage Statement • Letter from SLR dated 27 May 2015 and accompanying Protection Measures for Protected Species dated October 2011 • Letter from SLR dated 9 June 2015 • Letter from Veolia dated 7th May 2020 <p>and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:</p>
	<p><i>Reason: For the avoidance of doubt as to the scope of the development hereby permitted, to ensure development is carried out in accordance with the approved application details in the interests of amenity, and to ensure compliance with adopted Essex and Southend on Sea Waste Local Plan (WLP) policies 10 and 12, and Basildon District Local Plan (BDLP) policies BAS GB1, BAS C2 and BAS C7.</i></p>
4	<p>Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 28 Each phase of restoration shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 25 of this planning permission.</p>
	<p><i>Reason: To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.</i></p>
5	<p>Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the</p>

	restoration scheme approved under Condition 21 of this permission by 31 December 2027.
	<i><u>Reason:</u> To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.</i>
6	<p>Operations authorised by this permission, including vehicles entering¹ or leaving the site, shall be restricted to the following durations:</p> <p>0730 hours to 1830 hours Monday to Saturday</p> <p>and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:</p> <p>The site may open solely for the receipt of Local Authority Collected Waste arising from within the administrative areas of Essex and Southend between the following hours:</p> <p>0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.</p> <p>¹Vehicles shall not be considered to have entered the site until they have passed the weighbridge.</p>
	<i><u>Reason:</u> In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and BDLP policy BAS BE12.</i>
7	<p>The total number of Heavy Goods Vehicles (a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:</p> <p>1100 movements (550 in and 550 out) per day (Monday to Saturday)</p> <p>No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.</p> <p>A written record shall be maintained by the operators of all HGV movements in and out of the site. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement and the total HGV movements for each day. The records shall be made available for inspection by the Waste Planning Authority within 14 days of a written request.</p>
	<i><u>Reason:</u> In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.</i>
8	All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be

	maintained in accordance with the manufacturer's specification at all times.
	<i><u>Reason:</u> To ensure minimum noise disturbance from operations on site and to comply with WLP policy W10E.</i>
9	<p>Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations adjoining the site as set out below shall not exceed 55 dB LAeq 1hr.</p> <ul style="list-style-type: none"> • Boundary with Wat Tyler Country Park monitoring location ML2 • Boundary with RSPB Bowers Marsh Reserve monitoring location ML6 (Monitoring Locations as identified on drawing 16063/NS/02 dated June 2006.) <p>Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.</p>
	<i><u>Reason:</u> In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.</i>
10	<p>For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as set out in Condition 9 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.</p> <p>Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operations. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.</p>
	<i><u>Reason:</u> In the interests of amenity and to comply with WLP policy W10E and the NPPF.</i>
11	<p>Noise levels shall be monitored upon request by the Waste Planning Authority at no greater frequency than three monthly intervals from the date of the commencement of development at the noise sensitive locations set out in Condition 9. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out.</p>
	<i><u>Reason:</u> In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.</i>

12	No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.
	<i><u>Reason:</u> In the interests of amenity and to comply with WLP policy 10 and BDLP policy BAS BE12.</i>
13	The development hereby permitted shall be implemented in accordance with the measures to control dust approved on 20 November 2008 under Condition 12 of planning permission ESS/35/06/BAS. The approved measures to control dust are set out in the "Dust Management Plan" submitted with letter dated 25 July 2008.
	<i><u>Reason:</u> To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP policy 10 and BDLP policy BAS BE12.</i>
14	All vehicular access and egress to and from the site shall be from Pitsea Hall Lane as indicated on drawing ref. P/1, dated June 2014. No other access shall be used by vehicles entering or exiting the site.
	<i><u>Reason:</u> In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10.</i>
15	The development hereby permitted shall be implemented in accordance with the details for storage of restoration materials, including locations, heights, planting and maintenance of storage bunds on the site approved on 20 October 2010 under Condition 16 of planning permission ESS/35/06/BAS. The approved storage of restoration materials are set out in the "Restoration Material Storage" received with letter dated 25 July 2008 and drawing no. PIT/RES/289 received with letter dated 13 November 2008.
	<i><u>Reason:</u> In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with WLP policy 10.</i>
16	The development hereby permitted shall be implemented in accordance with the details for machine movements for the stripping and replacement of soils details approved on 8 January 2009 under Condition 18 of planning permission ESS/35/06/BAS. The approved machine movements details are set out in the "Scheme of machine movements for the stripping and replacement of soils" received with letter dated 23 December 2008
	<i><u>Reason:</u> To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with WLP policy 10.</i>
17	No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil moisture condition'. No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably

	<p>dry soil moisture condition”</p> <p>“Suitably dry soil moisture condition” is determined by a field assessment of the soil’s wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.</p>
	<p><i><u>Reason:</u> To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with WLP policy 10.</i></p>
18	<p>All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.</p>
	<p><i><u>Reason:</u> To prevent the loss of soil and aid the final restoration of the site and to comply with WLP policy 10.</i></p>
19	<p>Prior to placement of soils on unrestored areas details of the soil type and soil depths shall be submitted to and approved in writing by the Waste Planning Authority. The restoration shall be carried out in accordance with the approved details.</p>
	<p><i><u>Reason:</u> To aid the final restoration of the site in compliance with WLP policy 10.</i></p>
20	<p>Upon the completion of restoration including capping materials, no part of the restored land shall exceed the pre-settlement contours as shown on drawing number reference 16063/ES/A2 dated June 2006. Within 6 months of the date of this planning permission a levels survey at 0.5m contours for the whole site shall be submitted to demonstrate that the restored areas have not exceed the pre-settlement levels as shown on drawing 16063/ES/A2 dated June 2006.</p>
	<p><i><u>Reason:</u> To ensure proper restoration of the site and to comply with WLP policy 10.</i></p>
21	<p>a) The site shall be restored in accordance with the “Restoration Masterplan” (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration Masterplan dated January 2018</p> <p>b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details</p>

	shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 25 of this permission. The final phase to be restored shall be completed in accordance with the approved details by 31st December 2027.
	<i><u>Reason:</u> To comply with section 197 of the Town and Country Planning Act 1990 to improve the appearance of the site in the interest of visual amenity (to screen the workings and assist in absorbing the site back into the local landscape) and to ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with the WLP policy 10.</i>
23	Protection and mitigation for legally protected species shall be in accordance with "Protection Measures for Protected Species" (Ref R4142) dated October 2011 prepared by AMEC.
	<i><u>Reason:</u> To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy W10E and BDLP policy BAS C7.</i>
24	In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Waste Planning Authority, shall fill the depression with suitable imported soil forming material, to a specification submitted and approved in advance in writing by the Waste Planning Authority.
	<i><u>Reason:</u> To ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with WLP policy 10.</i>
25	<p>A Restoration Management Plan shall be prepared within 12 months of the date of this planning permission. The Restoration Management Plan shall detail the steps that are necessary to achieve the restoration afteruses and habitats set out within the Restoration Master Plan. The Restoration Management Plan shall:</p> <ol style="list-style-type: none"> Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting. Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

	The development shall be implemented in accordance with the approved aftercare scheme.
	<i><u>Reason:</u> To ensure the satisfactory restoration of the site to biodiversity habitats and in accordance with WLP policy 10</i>
26	<p>Under-soil drainage and associated surface drainage for the restored land shall be installed in accordance with details submitted to and approved in writing by the Waste Planning Authority. The need for under drainage shall be assessed as part of the aftercare details required in condition 25.</p> <p>The development hereby permitted shall be implemented in accordance with the soil drainage and associated surface drainage for Areas A (part), B, C, D, F (part) and H (part) details approved on 4 January 2011 under condition 28 of planning permission ESS/35/06/BAS. The approved soil drainage and associated surface drainage details are set out in set out in the application for approval of details reserved by condition dated 8 October 2010 and the letter dated 26 August 2010 and drawing no. PIT/ENG/307.</p>
	<i><u>Reason:</u> To ensure that the land is rehabilitated to a suitable condition to support amenity and nature conservation uses and to comply with WLP policy 10.</i>
27	As set out within the application details for planning application ESS/49/14/BAS, there shall be no development of the Mechanical Biological Treatment (MBT) facility as previously shown on drawing references PIT/PPC/978 and PIT/PPC/980.
	<i><u>Reason:</u> To ensure that the MBT facility is not development and to protect local amenity and to comply with WLP policy 9 and 10.</i>
28	In the event of a cessation of the deposit of non-hazardous or inert waste for a period in excess of 18 months prior to the achievement of the completion of the approved restoration scheme, as referred to in Condition 21, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within 24 months of the cessation of the deposit of waste the revised scheme of restoration and aftercare shall be implemented in accordance with the revised approved scheme.
	<i><u>Reason:</u> To ensure that the land is restored to a condition capable of beneficial use, within a reasonable time period, in the interest of local amenity, protection of the Green Belt and to comply with WLP policy 10 and BDLP policies BAS GB1, BAS C2 and BAS C7.</i>
29	Within 12 months of the date of this planning permission a Biodiversity/Landscape Management Plan shall be submitted to and approved in writing by the Waste Planning Authority for the areas shown on the

	<p>Restoration Master Plan dated December 2008 (drawing Number 7888001186/PRMP/02 Rev A) identified as “Existing semi-natural habitat” and “Screen Planting”. The Plan shall include:</p> <ul style="list-style-type: none"> a) A description and evaluation of features to be managed; b) Ecological trends and constraints on site that might influence management; c) Aims and objectives of management; d) Appropriate management options for achieving the aims and objectives of the project; e) Prescriptions for management actions; f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); g) Details of the body or organisation responsible for implementation of the plan; h) On-going monitoring and remedial measures i) The plan shall cover the period until completion of the aftercare period on all phases of the Landfill. <p>The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.</p> <p>The development hereby permitted shall be implemented in accordance with the approved Biodiversity/Landscape Management Plan.</p>
	<p><i><u>Reason:</u> To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10 and BDLP policy BAS C7</i></p>
30	<p>The surfaced section of the access road from the junction with Pitsea Hall Lane to the weighbridge shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.</p>
	<p><i><u>Reason:</u> In the interest of highway safety, to prevent material being taken onto the public highway and to comply with WLP policies W4C and W10E.</i></p>
33	<p>Within 3 months of the date of this permission details of the material used to form the surface of the access and monitoring tracks across restored areas shall be submitted to and approved in writing by the Waste Planning Authority. For clarification materials used shall not be permitted to contain plastics, wood (except compost oversize) or metals.</p>
	<p><i><u>Reason:</u> To ensure appropriate materials are used in the access and monitoring tracks in the interests of visual amenity and to comply with WLP policies W10C and W10E and BDLP policies BAS C1 and BAS C7.</i></p>
34	<p>Within 3 months of the date of this permission a scheme for the provision of at least 4 monitoring cameras on the site shall be submitted to and approved in</p>

	writing by the Waste Planning Authority. The cameras shall provide for the observation of flora and fauna on the restored areas of the site. The footage from the cameras shall either be available as a live feed via a website or the highlights of the footage shall be made available through a website which shall be updated every month following installation of the cameras. The cameras shall be maintained in working order and the footage maintained on a website until such time as the site is made available for access by the public.
	<i><u>Reason:</u> To enable public observation of the flora and fauna at the site until such time as public access is permitted.</i>
	All stones and other materials including plastics in excess of 100mm in any dimension shall be picked and removed from the final restored surface and become viable during the aftercare period.
	<i><u>Reason:</u> To ensure management of the restored land is not impeded, to improve visual appearance and any adverse impacts of flora and fauna and to comply with policy 10.</i>
	No removal of hedgerows, trees or shrubs shall take place between 1 st March and 31 st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.
	<i><u>Reason:</u> To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10.</i>
	Prior to first public access to the site to submit details for approval by the Waste Planning Authority of parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins. The parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins shall be installed in accordance with approved details prior to first public access.
	<i><u>Reason:</u> To ensure appropriate facilities are available to maximise public enjoyment and protection of areas of biodiversity in accordance with WLP policy 10.</i>

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would be located adjacent to European sites namely the Thames Estuary and Marshes Special Protection Area and Ramsar site and the Benfleet and Southend Marshes SPA and Ramsar site and would not be directly connected with or necessary for the management of these sites for nature conservation.

Following consultation with Natural England and the County Council's Ecologist concern was raised that there was potential for the development to adversely affect the integrity of the European sites, either individually or in combination with other plans or projects. In particular the use of barges to import material which use the Holehaven Creek was identified as potential source of impact

Therefore, it was considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) was required.

The County Council's ecologist has undertaken an Appropriate Assessment and concluded that the environmental benefits of completing the landfill in terms of surface water management, control of leachate and landfill gas and environmental pollution, in a particularly ecological sensitive location outweigh the potential impact upon the European sites.

The proposed mitigation measures to be secured by conditions, legal obligations and through the EA Environmental Permit would be sufficient to avoid impacts to the integrity (from the development alone or in combination of other plans and projects) of the Benfleet and Southend Marshes SPA and Ramsar site and Thames Estuary & Marshes SPA and Ramsar site.

The conclusions of the Appropriate Assessment have been accepted by Natural England.

EQUALITIES IMPACT ASSESSMENT

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

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

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

LOCAL MEMBER NOTIFICATION

BASILDON - Pitsea

BASILDON - Westley Heights

CASTLE POINT - Canvey Island West