

# DR/14/22

**Report to:** DEVELOPMENT & REGULATION (25 March 2022)

**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

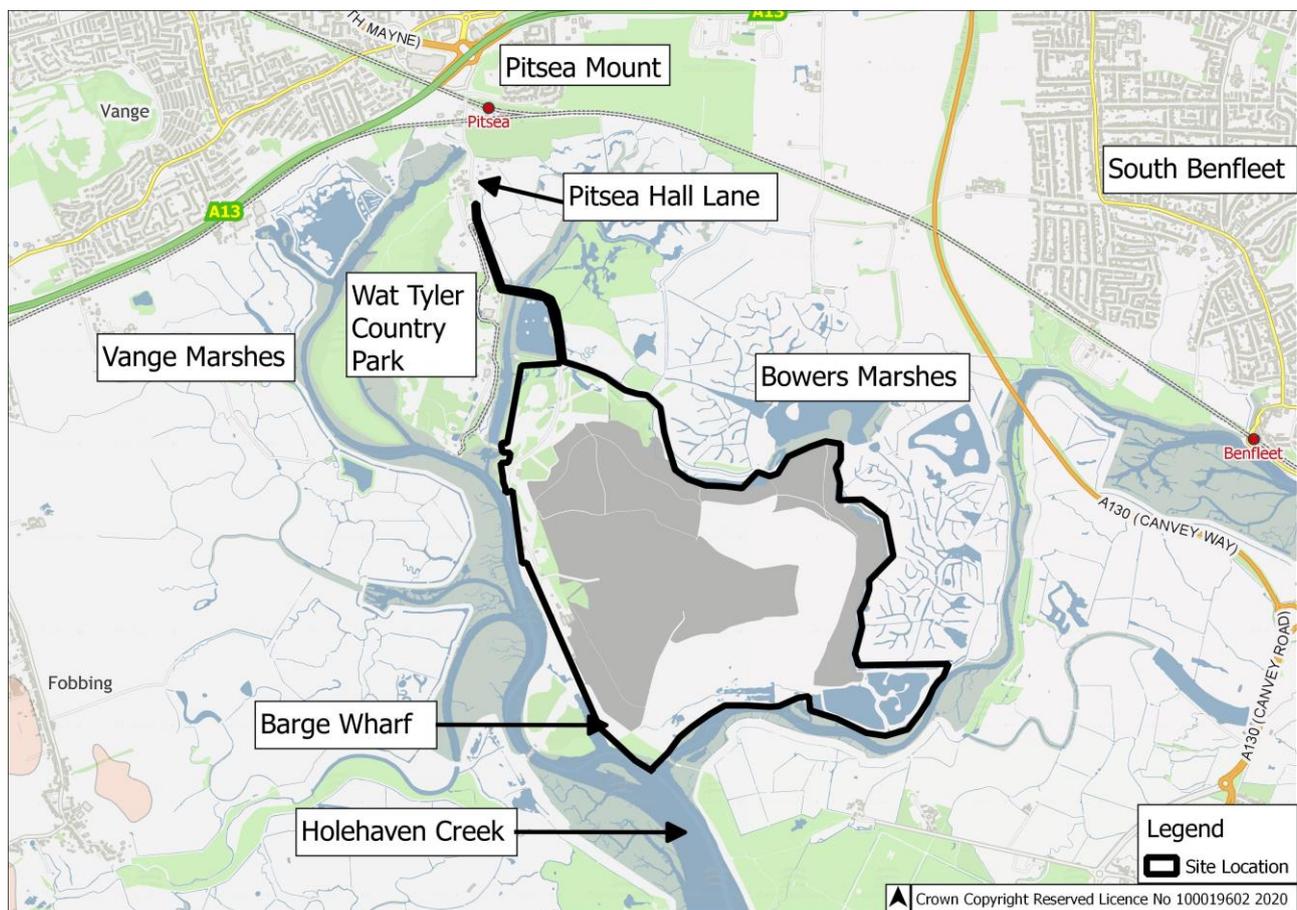
**Applicant:** Veolia ES Landfill Ltd

**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 136821

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



## 1. BACKGROUND

This planning application ESS/49/14/BAS was made in 2014, seeking to extend the life of the Pitsea Landfill, 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 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.

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 subsequently amended the proposals and the amended details were considered by the Committee in [February 2021](#). The original proposals for Veolia to provide a pedestrian bridge over the railway line on Pitsea Hall Lane proved undeliverable due the requirements of Network Rail and escalating costs. As an alternative, improvements are proposed 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.

In addition long-term management of the restored landfill, which was to be undertaken by the RSPB, but due to a change in circumstances the RSPB withdrew from this arrangement and now Veolia will manage the site themselves or pass to a suitable Environmental body subject to approval of the Waste Planning Authority.

In February 2021 it was resolved to grant planning permission incorporating these amendments subject to conditions and completion of the necessary legal agreement by February 2022.

## 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).

In addition originally RSPB had intended to take on the long-term management of the site upon completion of the landfill and restoration, but the RSPB withdrew their wish to manage the site, such that now the long-term management will be delivered by Veolia.

A legal agreement was required to secure previous obligations as well as the to secure he revised arrangements with respect to funding of the improvements to the existing ridge and long-term management and Members resolved to grant planning permission subject to completion of the legal agreement by February 2022.

### 3. PROPOSAL

The main purpose of the application is to 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, part of which has been and will be used to dispose of non-hazardous waste arising from final restoration and decommissioning of the various buildings and facilities on the site. The remaining capacity will require importation of waste. It is anticipated that there may need to be 2 or 3 periods of importation to complete the final phase.

The first period of importation commenced on the 14 March 2022 and its expected to last up to 6 months, depending on importation rates.

It is anticipated that the site will be restored by December 2027, potentially earlier depending on the supply of inert materials required to complete restoration.

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

As explained the current proposals have been amended such that the obligations with respect to improving pedestrian access on Pitsea Hall Lane railway bridge and long-term management of the site have been amended, but would be secured through a legal agreement.

### 4. POLICIES

The following policies of the, [Waste Local Plan](#), and [Basildon Local Plan saved policies 2007](#) 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
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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

### 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 on 20 July 2021 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 218 and 219 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 [Compatibility Self-Assessment](#). 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 was withdrawn by Basildon Borough Council on the 4 March 2022 and therefore has no weight.

## 5. UPDATE ON LEGAL AGREEMENT AND APPRAISAL

Since the resolution in February 2021 to grant planning permission subject to conditions and a legal agreement, work on drafting the legal agreement has been ongoing. The legal agreement is now nearly in its final draft form, such that its completion is imminent. Unfortunately it was not completed by the 26 February 2022 in line with the Committee resolution of February 2021. Therefore a further period of 2 months is requested to complete the agreement.

The NPPF was revised in July 2021, however the changes made relate mainly to built development and do not impact upon the consideration or recommendation previously made in February 2021.

It is considered there has been no relevant change in planning policy or other material considerations which would amend the recommendation as considered in February 2021.

## 6. RECOMMENDED

That planning permission be **granted** subject to

- i. The prior completion, within 2 months (unless otherwise agreed with Chairman of Development & Regulation Committee), 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 The development hereby permitted shall be deemed to have commenced on the date of this decision notice.

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

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

- 2 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.

*Reason: 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.*

- 3 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).

and the following drawings:

- 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

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/1 Site Context Plan dated June 2014
- P/2 Site Restoration dated June 2014 – defining restoration contours
- 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 – defining restoration habitat types

and the following amending letters and emails

- 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 7<sup>th</sup> May 2020

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

*Reason: For the avoidance of doubt as to the 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.*

- 4 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.

*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.*

- 5 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 restoration scheme approved under Condition 21 of this permission by 31 December 2027.

*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.*

- 6 Operations authorised by this permission, including vehicles entering<sup>1</sup> or leaving the site, shall be restricted to the following durations:

0730 hours to 1830 hours Monday to Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:

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:

0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.

<sup>1</sup>Vehicles shall not be considered to have entered the site until they have passed the weighbridge.

*Reason: 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.*

- 7 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:

1100 movements (550 in and 550 out) per day (Monday to Saturday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

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.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and BDLP policy BE12.*

- 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 shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: To ensure minimum noise disturbance from operations on site and to comply with WLP policy W10E.*

- 9 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.

- 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.)

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

*Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.*

- 10 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.

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.

*Reason: In the interests of amenity and to comply with WLP policy W10E and the NPPF.*

- 11 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.

*Reason: In the interests of amenity and to comply with WLP policy 10, BDLP policy BE12 and the NPPF.*

- 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.

*Reason: In the interests of amenity and to comply with WLP policy 10 and BDLP policy BAS BE12.*

- 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.

*Reason: 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.*

- 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.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10.*

- 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.

*Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with WLP policy 10.*

- 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

*Reason: To minimise structural damage and compaction of the soil and to aid in the final restoration works and to comply with WLP policy 10.*

- 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 dry soil moisture condition"

"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.

*Reason: To minimise the structural damage and compaction of the soil, to aid the final restoration of the site in compliance with WLP policy 10.*

- 18 All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.

*Reason: To prevent the loss of soil and aid the final restoration of the site and to comply with WLP policy 10.*

- 19 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.

*Reason: To aid the final restoration of the site in compliance with WLP policy 10.*

- 20 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.

*Reason: To ensure proper restoration of the site and to comply with WLP policy 10.*

- 21 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
- 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 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.

*Reason: 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.*

- 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.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy W10E and BDLP policy BAS C7.*

- 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.

*Reason: To ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with WLP policy 10.*

- 25 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:
- a. Provide an outline strategy in accordance with Paragraph 57 the Planning Practice Guidance for the five year aftercare period. This shall

broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

- b. Provide for a detailed annual programme, in accordance with Paragraph 58 to the Planning Practice Guidance to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. 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.

*Reason: To ensure the satisfactory restoration of the site to biodiversity habitats and in accordance with WLP policy 10*

- 26 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.

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.

*Reason: 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.*

- 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.

*Reason: To ensure that the MBT facility is not development and to protect local amenity and to comply with WLP policy 9 and 10.*

- 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.

*Reason: 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.*

- 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 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:

- 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.

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.

The development hereby permitted shall be implemented in accordance with the approved Biodiversity/Landscape Management Plan.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10 and BDLP policy BAS C7*

- 30 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.

*Reason: In the interest of highway safety, to prevent material being taken onto the public highway and to comply with WLP policies W4C and W10E.*

- 33 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.

*Reason: 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.*

- 34 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 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.

*Reason: To enable public observation of the flora and fauna at the site until such time as public access is permitted.*

- 35 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.

*Reason: 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.*

- 36 No removal of hedgerows, trees or shrubs shall take place between 1<sup>st</sup> March and 31<sup>st</sup> 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.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with WLP policy 10.*

- 37 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.  
*Reason: To ensure appropriate facilities are available to maximise public enjoyment and protection of areas of biodiversity in accordance with WLP policy 10.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would 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.

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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

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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