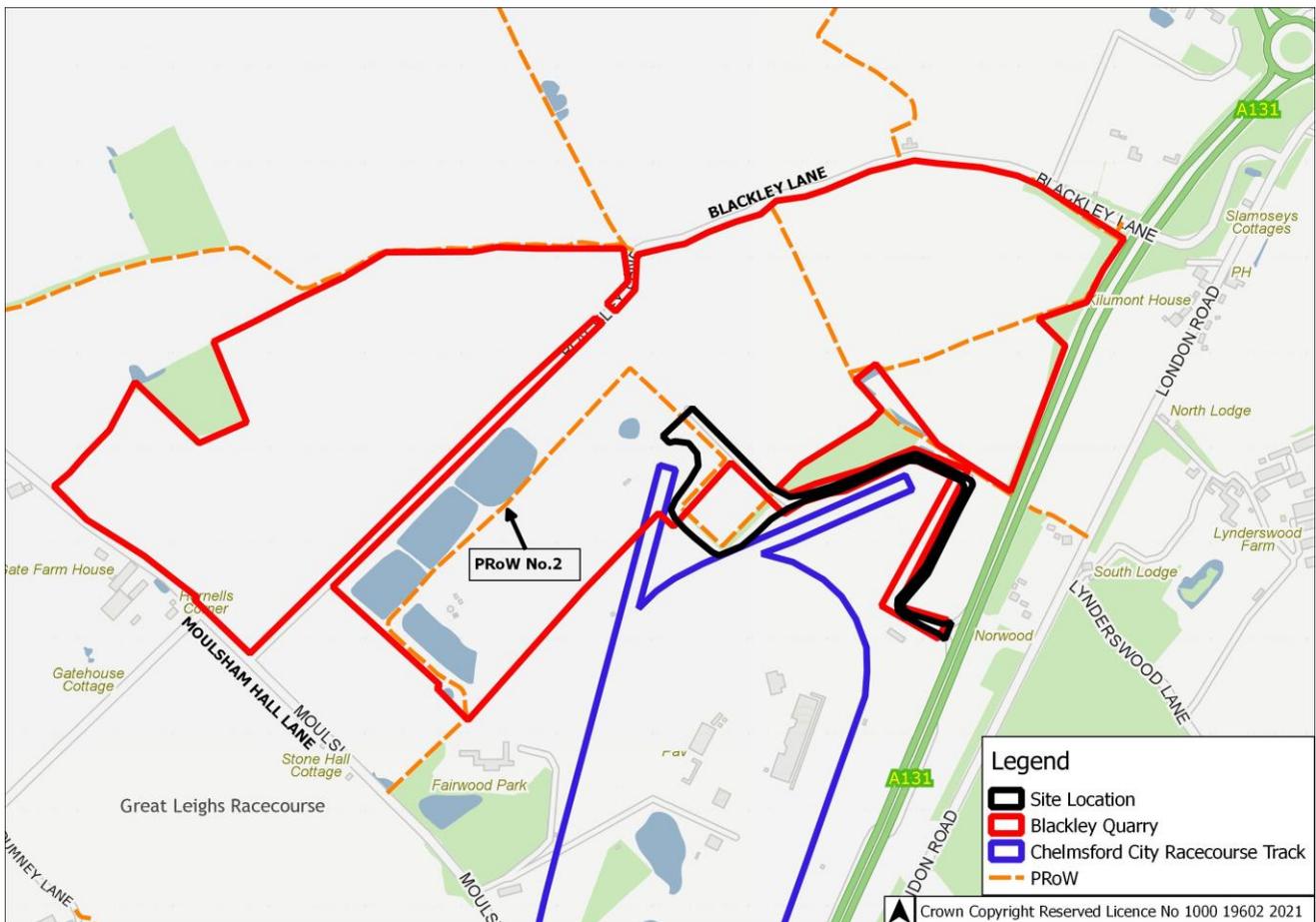


# DR/17/21

<b>Report to:</b> DEVELOPMENT & REGULATION (24 SEPTEMBER 2021)	
<b>Proposal:</b> MINERALS AND WASTE DEVELOPMENT - Pyrolysis Plant to generate electricity from imported solid recovered fuel, associated building and offices	
<b>Ref:</b> ESS/61/21/CHL	<b>Applicant:</b> Moulsham Hall Farms Ltd and E-Power International
<b>Location:</b> Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford, CM3 1QP	
<b>Report author:</b> Chief Planning Officer (County Planning and Major Development)	
<b>Enquiries to:</b> Claire Tomalin Tel: 03330 136821 The full application can be viewed at <a href="https://planning.essex.gov.uk">https://planning.essex.gov.uk</a>	



## 1. SITE

The site has not been subject to any previous development; it lies between Chelmsford Racecourse and Blackley Quarry.

The site is located approximately 2km north of Great Leighs in Chelmsford City Council area. However the border with Braintree District Council lies approx. 650m to the north of the site and Uttlesford District Council approximately 450m to the north west. The proposed access to the site is that currently permitted for use by both Blackley Quarry and Chelmsford City Racecourse onto the A131.

The site lies to the north of the Chelmsford racecourse track adjacent to the 7<sup>th</sup> furlong and the 1 mile chute. Previously extracted areas of Blackley Quarry lie to the north of the site and will in the future be the location of the new processing plant area for the quarry.

On the north east boundary of the site is the concrete access road to Blackley Quarry. At the point where the concrete road meets the eastern corner of the site, a track runs off the road, and follows the remaining boundaries of the site before curving around to meet the main road again.

The site is approximately 0.6ha, a relatively small square of land off the edge of a previously larger field. Historically the land was in agricultural use, but has been fallow for a number of years, due to its restricted size and has continued being unused since commencement of the mineral extraction to the north of the site.

The site is surrounded by trees and vegetation on 3 sides except that facing north east. Woodland on the south west boundary is part of an area TPO. Through lack use the site is now scattered with self-sown shrubs and trees.



Extract from applicant supporting statement

The nearest residential properties are located south east of the site, beyond the A131 on London Road at approximately 350m from the main site area, but within approximately 100m of the access onto the A131. There are also residential properties on Blackley Lane at approximately 475m away and on Moulsham Hall Road, the closest Helvellyn at 425m. Further residential development is allocated in the Chelmsford Local Plan west of Moulsham Hall Lane and in Great Leighs east of the A131 (Strategic Growth Sites Policies 7a, 7b, 7c and 7d).

Public footpath Great & Little Leighs no. 2 passes from Moulsham Hall Lane to the A131 passing through Blackley Quarry and circuits the proposed site on the 3 sides.

The application site does form a small part of Site A38 allocated for sand and gravel extraction in the Minerals Local Plan 2014 and also lies within the Mineral Safeguarding Area. The application site also forms part of Site L9(i)10R allocated for inert landfill in the Waste Local Plan 2017.

The site lies adjacent to the Chelmsford City Racecourse Special Policy Area identified in the CCC Local Plan.

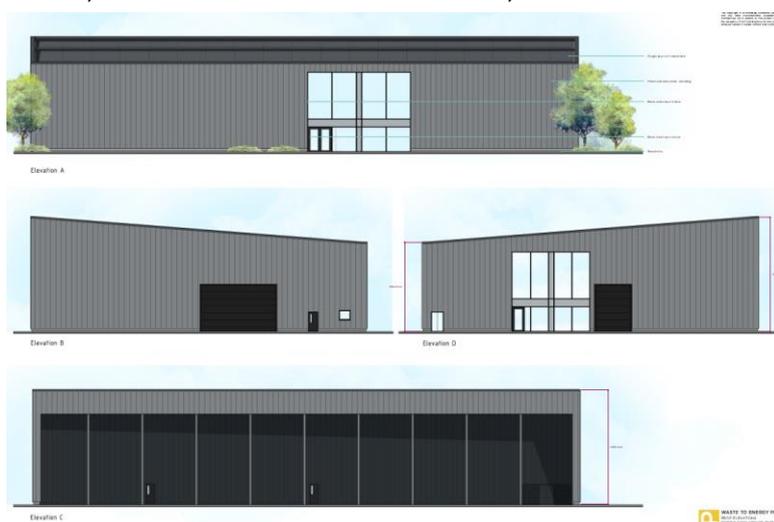
The application site is not subject to any other designations in the CCC Local Plan.

## 2. PROPOSAL

The application is for a small scale pyrolysis plant - an energy from waste facility, utilising solid recovered fuel (SRF) to generate power. Pyrolysis is the combustion of material without oxygen to create syngas, the syngas can then be used to power an electricity generator.

The proposal includes the creation of a compound within which would be located a building, to accommodate some of the plant and also provide staff offices, staff and visitor facilities, laboratory, meeting room and the control room for the plant. It is anticipated there would be 18 staff, but staff would work in shifts, such that there wouldn't be 18 staff on site at any one time.

The building would be 57m long by 26m wide, steel clad with an additional outside covered area on the southeast elevation for plant that is required to be under cover including gas conditioning plant, char store, cooling circuits, filtration circuits and air compressor.



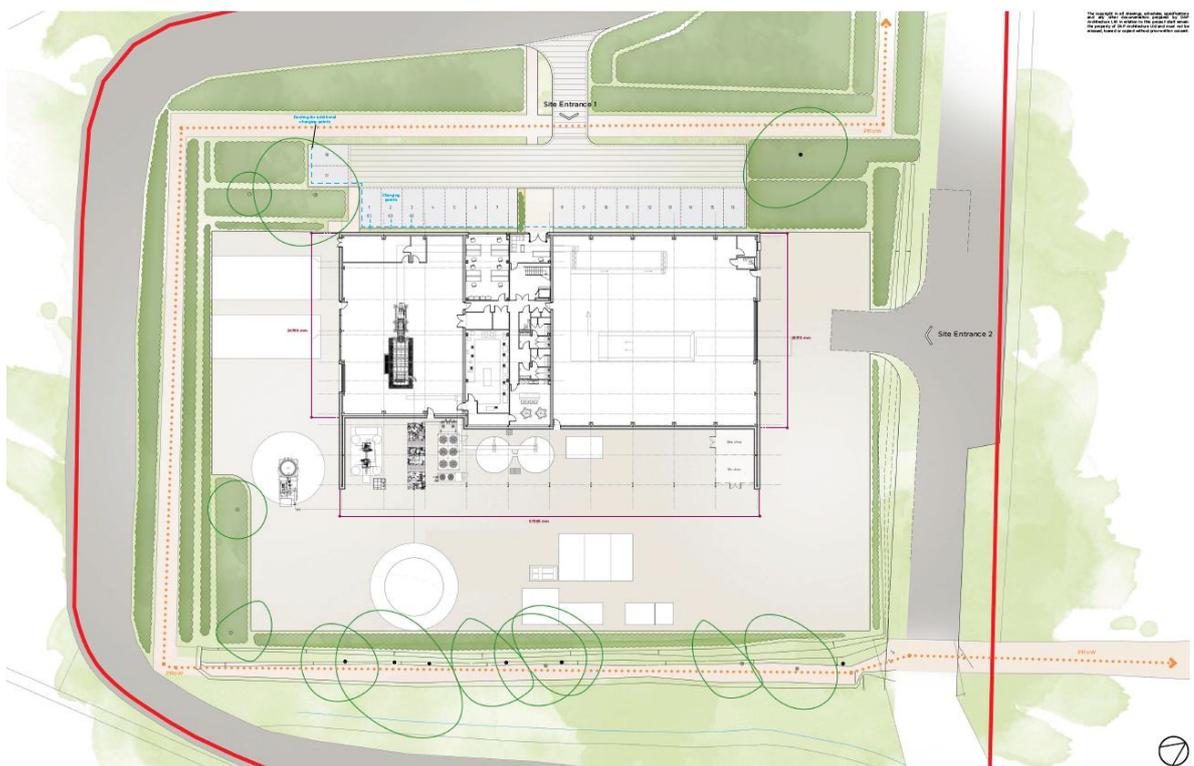
The building would have a single pitched roof. The roof would have a single ply roof membrane with metal standard seam cladding, with aluminium black frame

windows and doors and a trim grey brick on the ground.

The site would be accessed off the highway via the existing access used by the quarry and racecourse onto the A131 and then use the existing internal road to the location for the compound. There would be 2 accesses into the compound. One access on the north east boundary via the existing quarry/racecourse concrete road, to be used by HGVs to deliver SRF, materials and for service vehicles. The second access would be on the north west side for staff and visitors, this would be via the existing hard surfaced track that serves the racecourse. To access the site on the north west side, it would require the removal of a section of existing hedge and the access would cross a public right of way. 18 parking spaces would be provided for staff and visitors, including disabled parking and vehicle charging points.

There would be 6.4m high lighting columns positioned around the perimeter of the site with additional lights to light the parking area and vehicle circulation areas to the rear of the building within the compound.

Existing boundary vegetation would be retained and protected, except on the northwest boundary where an elm hedge would be lost. Additional planting in the form of hedgerows and trees is proposed on the north west and north east boundaries, along with management of existing woodland within the site.



The pyrolysis plant would be located within the building. The pyrolysis plant feed stock would be Solid Recovered Fuel (SRF). In this regard, the applicant has suggested *“the feedstock used is likely to be in excess of 60% from biogenic material and this fraction can be considered as producing ‘renewable’ energy. The remainder will be formed of plastics and other fossil fuel-based materials. This fraction will produce renewable energy, but due to the efficiency of the process will be a lower carbon outcome than if the same materials were landfilled or*

*incinerated.*” The SRF would arrive by HGV and be unloaded within the building and then a conveyor used to load the SRF into the pyrolysis plant.

The pyrolysis plant is relatively small scale with a proposed capacity to treat 8,000 tpa, approximately 1 tonne per hour and output 1 megawatt of electricity. The importation of SRF is anticipated to generate 1 to 2 HGV loads a day (i.e. 2 to 4 movements a day), these would arrive within working hours. There would be no HGV deliveries on Saturday afternoons, Sundays & Public holidays.

The pyrolysis plant would generate syn gas which would be used to generate electricity with one generator proposed, which would be enclosed in an ISO container and located to the south east of the building. Syn gas would be stored in a tank also located outside south east of the building. The tank would only be able to store enough gas for about 15 to 20 minutes of operation of the generator; the storage is only used to ensure the generator can be shut down in a controlled manor. The pyrolysis process generates a residual known as char. This would be required to be exported from the site, generating 1 HGV load a week (i.e. 2 HGV movements a week). The application states that *“Carbon char is the residual solid that remains after processing organic material using easyPower’s unique technology. This material represents carbon capture in its truest sense and if sequestered, it is the key to our process achieving atmospheric carbon drawdown and therefore a carbon negative outcome.”* The char does have potential to be used, such as a soil amendment, additive to animal feeds to reduce methane and to treat contaminated land. Char is also being used as an additive in construction materials to offset carbon emissions or alternatively it would be required to be disposed of at a suitably licenced facility.

The generator would have an exhaust stack 8m high. In addition there would be a flare facility, the flare would be 9m high. The flare for the flare would be enclosed within the stack such that it would not be visible from outside, nor would there be visible smoke or condensate. The flare would only be used for limited periods during commissioning and then only in emergencies should there be a need to flare excess gas, in the event the gas engine failed.

The proposed main purpose of the plant is as a commercial demonstrator. The plant initially is unlikely to operate continuously, but would at times operate throughout the night. There would be a connection to the national grid to allow the power to be utilised off site. The cable to the national grid would run below the access road. It is suggested in the long-term that the facility could be connected to the racecourse to provide it with power some of which is currently generated through diesel generators. There is also an extant permission for a grandstand which could be potentially be heated from the facility. The applicant has stated there is also potential for the electricity to be used to power the adjacent quarry which also uses diesel generators. There is also potential for the heat to be used as part of a heating system for the housing development allocated in the Chelmsford Local Plan 2020 - Strategic Growth Site Policy 7a (SGSP7a) – Great Leighs – Land at Moulsham Hall or for the residential home allocated on Strategic Growth Site Policy SGSP7b – Great Leighs – Land East of London Road as and when this is developed.

There is also potential for the syn gas to generate power to be stored in batteries, a

gas to liquid conversion plant or even hydrogen generation, while possible locations are identified on the drawings for such, no details are provided and these do not form part of the proposals.

The application has been subject to an EIA Screening Opinion which concluded no EIA was required. The application was supported by a noise assessment, arboricultural assessment, ecology assessment, transport statement, landscape and visual impact assessment, lighting assessment and air quality assessment.

The applicant has confirmed it is their intention to apply for an Environmental Permit and that the facility would not operate as a “research and development facility” for which there are different regulations where an Environmental Permit is not be required. Due to the small scale nature of the facility the Environmental Permit would be administered and controlled by Chelmsford City Council Environmental Health Officer, rather than the Environment Agency.

### 3. POLICIES

The following policies of the Chelmsford Local Plan Adopted 2020, Waste Local Plan 2017 and Minerals Local Plan 2014 provide the development plan framework for this application. The following policies are of relevance to this application:

#### MINERALS LOCAL PLAN 2014 (MLP)

S8 Safeguarding mineral resources and mineral reserves

#### WASTE LOCAL PLAN 2017 (WLP)

Policy 1 Need for Waste Management Facilities  
Policy 3 Strategic Site Allocations  
Policy 4 Areas of Search  
Policy 5 Enclosed Waste Facilities on unallocated sites or outside Areas of Search  
Policy 10 Development Management Criteria  
Policy 11 Mitigating and Adapting to Climate Change  
Policy 12 Transport and Access

#### CHELMSFORD LOCAL PLAN 2020 (CLP)

S2 Addressing Climate Change and Flood Risk  
S4 Conserving the Natural Environment  
S7 The Spatial Strategy  
S8 Developing Economic Growth  
S11 The Role of the Countryside  
SPA2 Chelmsford City Racecourse Special Policy Area  
SGSP7a Great Leighs – Land at Moulsham Hall  
SGSP7b Great Leighs – Land East of London Road  
SGSP7c Great Leighs – Land North and South of Banters Lane  
SGSP7d Great Leighs – Land East of Main Road.  
DM8 New building and structures in the rural area  
DM16 Ecology and biodiversity  
DM17 Trees, Woodlands and Landscape features  
DM18 Flooding and SUDS  
DM19 Renewable and low carbon energy

DM23	High quality and inclusive design
DM25	Sustainable buildings
DM27	Parking Standards
DM29	Protecting living and working environments
DM30	Contamination and pollution

### NEIGHBOURHOOD PLAN

There is no adopted Neighbourhood Plan for Great & Little Leighs

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).

## **4. CONSULTATIONS**

Summarised as follows:

CHELMSFORD CITY COUNCIL (CCC)(Planning): No objection. Raises no

comment in principle to the proposal and raises no objection subject to the development being carried out in accordance with the recommendations contained within the updated versions of the supporting studies/reports submitted with the application relating to landscape and visual impact, noise, lighting, air quality and arboriculture. The City Council is content for Essex County Council specialist staff to form views in relation to transport and ecology.

CHELMSFORD CITY COUNCIL (Environmental Health Officer): No objection  
Lighting – lighting levels will not exceed the relevant criteria in guidance that would give rise to obtrusive light at nearby properties.  
Noise – It seems noise impact from development would be satisfactory.  
Air Quality – no exceedance of relevant air quality values.

BRAINTREE DISTRICT COUNCIL (BDC)(Neighbouring authority): Object for the following reasons:

#### Policy Considerations

The site is allocated for mineral extraction in the MLP and for inert landfill following extraction in the WLP. The MWPA will need to assess the potential for mineral sterilisation.

The site is adjacent to the Special Policy Area for Chelmsford Race Course (SPA2) of the CLP, but is not allocated for development or subject to any specific designations on the CLP proposals map, therefore the site is considered to be located in the countryside. CLP policy SP11 states that there is a need to carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with the Spatial Strategy. Policy SP7 of the Local Plan sets out the spatial strategy and states that the Local Plans Spatial Principles are to focus new housing and employment growth to the most sustainable locations by making the best use of previously developed land in Chelmsford Urban Area; sustainable urban extensions around Chelmsford and South Woodham Ferrers; and development around Key Service Settlements outside the Green Belt.

The applicant argues that the site is sandwiched between the Racecourse and the quarry, but fails to acknowledge that the countryside planning policies apply and in addition the quarry is only temporary.

The supporting statement relies heavily on WLP policy 5. The applicant states that they are in discussion with 2 local suppliers for the waste, but it cannot be said that the plant would definitely be dealing with waste generated within the County.

The planning statement appears to acknowledge that the proposals does not comply with other provisions of Policy 5, and instead relies on the criteria that any other proposals will be assessed on their merits. The applicant argues that the proposal will have no detrimental impact in terms of emissions, noise or traffic, but if this logic is applied the Spatial Strategy can be disregarded and this type of industrial development could take place throughout the Countryside.

It is stated the electricity would be used to power events at the racecourse, rather than using diesel generators, but it is not clear to what extent the facility would

reduce the need for diesel generators and events at the racecourse are stated on the website to be approx. 53 a year, such that a permanent facility in the countryside is not justified.

Reference is also made to use of the power by the quarry and housing development allocated nearby, but there is no firm commitment to this. The surplus electricity is to be fed into the electricity supply Grid, if only to be connected to the Grid it could be located on any spatially preferential site.

#### Landscape Impact

The proposals not only include a building but other structures to be located outside the building the heights of which are not defined, such that the full visual impact cannot be fully assessed. The plans also indicate a potential Gas to Liquid Conversion Demonstration Plant and Hydrogen Generation Demonstration Plant with 'Dimensions to be confirmed'. It is not clear whether planning permission is being sought for these structures.

A Landscape and visual assessment has been submitted and focuses on viewpoints in the immediate vicinity and views from the adjacent PRoW are identified as greatest. The LVA refers to other "detracting features" surrounding the site (the racecourse and quarry), such that the proposals would not result in significant harm. The quarry is however temporary. While afforded screening on 3 sides by existing vegetation this is not within the application boundary.

WPA comment: The existing surrounding vegetation is within the application boundary.

#### Environmental Impacts

It is acknowledged that the initial proposals for the plant are relatively modest and described as "research and development" and may not run continuously. However, noise and air quality have assessed on the basis of 24 hour operation. Concern is raised the apparent modest level of apparent activity could develop into something more intensive once the principle of development is established. It is not clear to what extent operations could expand at the site and what the potential implications.

If permission were granted it is assumed there would be clear restrictions on throughput and emissions, particularly given this is new technology.

Both noise and air quality make reference to 24 hour working. The noise report highlights the bay doors as being a source of noise likely to travel in north easterly direction (towards Slamsley Farm in the Braintree District) and therefore a potential source of night-time noise from unloading of vehicles. The noise assessment also identifies potential additional noise screening for a property in Blackley Lane (within CCC). The potential for audible tonal noise from any air handling plant or fixed machinery at any noise sensitive receptors in BDC area must also be avoided and this is more likely if there is night-time operation as the background noise levels reduce.

The Air Quality report assumes that the plant will operate at maximum emission rates and concludes no significant adverse effect although some adverse effect due to increased nitrogen dioxide levels to the south east of the site close to the

Braintree District boundary. The application presents an overview of the process rather than full technical details for the process units and any abatement plant. The Council's Environmental Health Officer would wish to see details of provisions in place to prevent accidental release/plant failure as well as what the consequences of these might be and any potential for the release of particulate matter to air at any stages of the processing.

It is assumed that an Environmental Permit would be required for the operation of the plant. It is noted Environment Agency and Chelmsford city Environmental Health have been consulted. It would be helpful when assessing the proposal to understand whether there would be any conditions attached to a permit that would necessitate modifications to the proposed design.

#### Other Matters

No assessment or comment is offered in respect of Ecology or the Historic Environment.

Braintree District Council take specialist advice from Place Services on these matters and it is understood that Place Services have been consulted directly on the application and will provide their response directly to the County Development Management Team.

At the time of preparing this letter a significant number of responses from statutory consultees have not been received and it is assumed that the application will not be determined until these responses are received.

ENVIRONMENT AGENCY: No objection:

The pyrolysis or gasification of waste where the products are subsequently incinerated, as waste, are deemed to be incineration plant under Article 42 of the Industrial Emissions Directive (IED). The proposal does not appear to include syngas clean up techniques which could help make the syngas a "non-waste" and as such Chapter IV of the IED (i.e. Waste Incineration Directive) applies to the proposal.

Incineration plant with a throughput of 3 tonnes/hour are regulated by the Local Authority under Schedule 13 of the Environmental Permitting Regulations (EPR) 2016, and are required to meet the emission limits specified by Annex VI IED. We note that the air quality impact assessment does not include all the contaminants, or limits prescribed by Annex VI IED.

The application makes reference to operation as a Research and Development facility. The exclusion for research, development and testing (R&D) of waste incineration or co-incineration plant under Schedule 1 Part 1 Paragraph 3(g) EPR 2016 are for processes that are operating to improve incineration process. Demonstration of a process with consistent feedstock supply may not qualify as R & D. Either way it is for CCC to confirm the permitting requirements for the proposal. Should the process be accepted as an R&D process, the air quality assessment during the planning phase will be the only impact assessment until commercial operation commences.

Comment by WPA: The applicant has confirmed the plant would not be operated

as a research and development facility and is intended as a commercial demonstrator and an Environmental Permit would be obtained from the EHO at CCC.

The EA Local Authority Unit (LAU) may be able to support CCC's EHO Team interpret how EPR applies to these proposals, and provide guidance on the permitting of small waste incineration plant (SWP).

The EA note the air quality assessment considers one on site gas engine with a stack of 13.1m. The site layout plan identifies two gas engines and one standby flare. The AQA (figure 1) considers the stack located in the position of the standby flare as shown on the drawing 'Site Layout – with plant annotations'; the as engines are located on the eastern boundary. Chapter IV ED requires incineration plant to have a suitably sized stack. The EA treat the effective height of release as zero metres if the emission point is less than 3m above the building which the stack is located on, or influenced by the location of the building in relation to the location of the stack.

The EA would strongly recommend close consultation with CCC to ascertain if this is likely to be the only impact assessment for this waste incineration proposal, and to ensure appropriate audit of the air quality risk assessment during determination of the application.

Comment WPA: The applicant has confirmed there would be only one gas engine and that an Environmental Permit would be obtained from the EHO of CCC prior to operation.

PLACE SERVICES (Ecology): No objection subject to conditions to secure the proposed mitigation and submission of a biodiversity enhancement strategy.

PLACE SERVICES (Arboriculture): No objection subject to conditions to ensure adherence to submitted arboriculture method statement and tree protection plan.

PLACE SERVICES (Urban Design): No objection

PLACE SERVICES (Landscape): No objection. The landscape character and visual impacts would be localised and minor. Due to existing and proposed vegetation it is not considered the proposals would have detrimental impact of visual receptors using PRow that passes around the site. Conditions should be imposed to secure landscape details and a landscape and ecological management plan. In particular a condition requiring protection of veteran trees during erection of the acoustic fence should be submitted.

PLACE SERVICES (Historic Environment): No objection

HIGHWAY AUTHORITY: No objection subject to protection of PRow during construction and operation.

LEAD LOCAL FLOOD AUTHORITY: No objection, subject to development being in accordance with submitted details.

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions with respect to maximum night-time noise levels.

COUNTY'S AIR QUALITY CONSULTANT: No objection.

Transport emissions – no assessment was provided, but due to limited number of vehicle movements and small scale of the plant, emissions from transport both during construction and operation are likely not to be significant.

Dust and odour – information has been provided with respect to management and mitigation to minimise dust and odour these should be set out in an operational management plan, which should be required by condition.

Air Quality – The height of the stack for the generator at 8m is 4m less than the height of the building which does not represent best practice. However it is not immediately adjacent to the building and temperature is relatively high (to enhance dispersion) and the assessment does not predict significant effects. The air quality assessment has adequately identified worst case sensitive human health receptors and concludes no significant effects from any pollutant considered.

The site would require an Environmental Permit from CCCs EHO. As part of this process, it is assumed that the regulator (Chelmsford City Council) would ensure that the control of processes (including stack height) and emissions comply with BAT to ensure the site is permissible and any emissions comply with relevant emission limit values

COUNTY'S LIGHTING CONSULTANT: No objection, subject to back light shields for those lights located on the southern boundary next to woodland.

UK POWER NETWORKS: Provided locations of their assets, but provided no comment on potential connection to the facility.

GREAT & LITTLE LEIGHS PARISH COUNCIL: No comments received

BLACK NOTLEY PARISH COUNCIL (neighbouring PC): Object. This is a type of incinerator producing energy from waste. While alternative forms of energy should be investigated this would result in noxious gases upwind of a heavily populated area, Black & Great Notley. The imported material would result in additional HGV and their associated emissions. Not considered a suitable location for this proposal.

LOCAL MEMBER – CHELMSFORD – Broomfield & Writtle: Any comments received will be reported

## 5. REPRESENTATIONS

3 properties were directly notified of the application. 1 letter of representation has been received from Chelmsford City Racecourse in support of the proposals, the points raised are summarised below. Although not directly consulted letters were also received from Braintree District Council and Black Notley PC which have been reported in the consultation section above.

<u>Observation</u>	<u>Comment</u>
Chelmsford Racecourse initially	Noted

instigated this project as we are keen to improve environmental sustainability alongside the enhancement of economic performance.

Innovate technology is key to meeting climate change targets See appraisal

Keen to support Greentech business in Essex See appraisal

The facility benefits us in terms of moving to low carbon energy. See appraisal

Details of energy supply are yet to be finalised, but we anticipate the use of both power and heat batteries to help bridge the gap between the power plant's consistent power output and our energy use, which is characterised by peaks and troughs. See appraisal

Connections to the facility are anticipated as part of the next phase of the Racecourse development. See appraisal

The facility will provide a commercial demonstrator, easyPower will be promoting it for visits from both UK and internationally. Small parties can be hosted at the facility, but larger groups could be hosted at the Racecourse. It provides a very exciting opportunity. Noted

## 6. APPRAISAL

The key issues for consideration are:

- A. Need and Policy Considerations
- B. Air Quality
- C. Noise and Dust
- D. Landscape and Visual Impact
- E. Design and Lighting
- F. Ecology and Trees
- G. Traffic, Highways and PRoW
- H. SuDs and Drainage
- I. Historic Environment
- J. Climate Change

### A NEED AND POLICY CONSIDERATIONS

This site is not an allocated as a Strategic Site Allocation under Policy 3 of the WLP, nor is it located in an Area of Search under Policy 4 of the WLP. Consideration of its location therefore falls to WLP policy 5 - Enclosed Waste Facilities on unallocated sites or outside Areas of Search.

Policy 5 sets out a number of criteria that would be considered with respect to a site for an enclosed waste facility as follows:

*Proposals for new enclosed waste management facilities will be permitted where:*

- 1. the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;*
- 2. although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and*
- 3. it is demonstrated that the site is at least as suitable for such development as Site Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology associated with this Plan.*

*In addition, proposals should be located at or in:*

- a. employment areas that are existing or allocated in a Local Plan for general industry (B2) and storage and distribution (B8); or*
- b. existing permitted waste management sites or co-located with other waste management development; or*
- c. the same site or co-located in close proximity to where the waste arises; or*
- d. the curtilages of Waste Recycling Centres (in the case of biological waste); or,*
- e. areas of Previously Developed Land; or*
- f. redundant agricultural or forestry buildings and their curtilages (in the case of green waste and/or biological waste).*

*Proposals for energy recovery facilities with combined heat and power are expected to demonstrate that the heat produced will be supplied to a district heat network or direct to commercial or industrial users.*

*Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.*

The site does not meet any of the location criteria identified in Policy 5. With respect to Policy 5 part (c) while located adjacent to a quarry which will be restored through infilling of inert waste there would be no advantage to the co-location of the facility since no inert waste would arise from the proposals.

Policy 5 does seek to ensure that energy recovery facilities are located such that the heat and power is utilised and with respect to heat this does require the users of the heat to be located near the energy recovery facility. The applicant's justification for the location of this small energy from waste facility is on the basis that it is located close to potential users of the heat and power it would generate. Chelmsford racecourse currently uses diesel generators when the racecourse lighting is required. The racecourse also has an extant planning permission for a Grandstand (technical implementation has been undertaken) which if constructed would require power and heating. The adjacent quarry also uses diesel generators to power the processing plant, weigh bridge etc. Land at Great Leighs has been

allocated for further development within the Chelmsford Local Plan including that west of the racecourse at Moulsham Hall Farm which has been allocated for housing (Strategic Growth Site 7a – Land at Moulsham Hall), if and when developed these sites are brought forward they could also be potential users of the heat, as part of a district heating system. While all of these are potential users of the power and/or heat, they are not secured as part of the proposals and cabling/pipework required to connect these developments to the pyrolysis facility may require planning permission.

Braintree District Council have raised concern that it is not clear that the waste to be treated would be “...waste arising from within the administrative areas of Essex and Southend-on-Sea...”. There are waste facilities within Essex & Southend that generate SRF, such that there is potential for local supply. Due to the small scale nature of the facility with only up to 2 HGV loads of waste a day being delivered, any adverse impact from importation of waste from outside the county would be limited. It is not considered refusal of the application could be justified on these grounds.

With respect to the WLP it is necessary to consider the application in relation to the last part of Policy S5 i.e. “*Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.*”

WLP Policy 1 “Need for Waste Management Facilities” identifies certain waste streams where there is a shortfall of capacity, this includes “Up to 200,000 tpa of further management of non-hazardous residual waste material.”

The most recent assessment of required waste capacity for non-hazardous waste within Essex was in 2018, which identified there was potentially over capacity if non-operational facilities became operational. However since that time the MBT at Tovi Eco Park has ceased operation (approx. 415,000tpa capacity), such that there is now less operational capacity in Essex than in 2018. That said the capacity of the proposed facility is very small at 8,000tpa such that it is not considered it would result in any significant overcapacity that would warrant refusal on these grounds.

Policy 3 of the WLP and Policy S8 of the MLP seek to protect allocated sites from development that would preclude the waste/mineral development they were allocated for. The site does lie within Site allocation A38 for sand and gravel extraction with the MLP and site allocation L(i)10R for inert landfill within the WLP. The site while forming part of these allocations forms a small, constrained area of land such that mineral extraction was considered impractical/unviable and was not included in the application area for mineral and landfilling when the application was submitted for the Blackley Quarry extension. This non-inclusion of the area within the mineral/waste application and reasons put forward were accepted by the MWPA. As such while the site is within the Mineral Safeguarding Area, there would be no unacceptable sterilisation of the mineral.

The site in principle is not one that would normally be considered appropriate for waste management, although it is acknowledged there is potential for the heat and power to be utilised locally in the future. Consideration of CLP spatial policies is appropriate.

Policy S7 (Spatial Strategy) of the CLP equally does not designate the site for development, and as such should be treated as development in the “countryside” as highlighted by BDC in their objection response. The applicant argues that the site is sandwiched between the racecourse and the quarry. The racecourse is subject to CLP policy SP2 (Chelmsford City Racecourse Special Policy Area), this policy seeks to support ancillary functions, subject to no adverse environmental impacts. However, at the current time while there is opportunity for the heat from the pyrolysis plant in the permitted grandstand there is no commitment to this. BDC have commented that the quarry is only temporary, while this is true, the quarry is permitted until 2045. The proposed site lies just southwest of the quarry processing area for sites A38 & A39, such that bunding to screen the processing area would be in place until completion of the quarry, screening the pyrolysis facility from views from the north. By completion of the quarry, when the land will be restored to agriculture at levels similar those pre-existing before extraction, the proposed additional planting around the proposed pyrolysis facility would have matured, screening views from the north.

Policy S11 (The Role of the Countryside) of the CLP seeks in Rural Areas to ensure development would not adversely impact the rural areas identified character and beauty. The landscape and visual impact is considered in section D of this report.

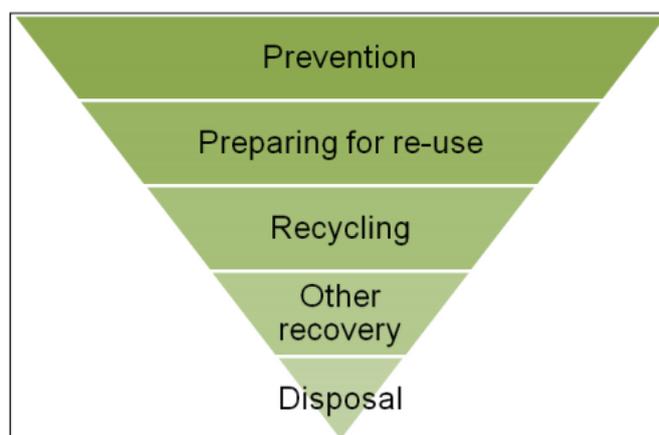
DM19 (Renewable and Low Carbon Energy) of the CLP seeks to support renewable and low carbon energy developments, subject to them not giving rise to adverse impact on, residential living environments, historic environment, natural environment, visual impact, character of the area and highways. Consideration of these various environmental factors is set out in the other sections of the report.

The pyrolysis facility would provide energy from waste. The NPPW seeks to drive waste management up the waste hierarchy, energy from waste, is included within “Other recovery”, and is seen as more sustainable than disposal.

The extent as to which the proposals are generating renewable/low carbon energy depends on the makeup of the SRF. The applicant has stated that the makeup of the SRF would

be such that it would be 60% biogenic, such that it would be largely renewable energy. The composition of the SRF could not be controlled through planning conditions, such that the biogenic percentage within the waste, could be lower than 60%. However, the nature of the materials within the SRF would be controlled by the Environmental Permit, but only to ensure the syngas when used in the generator met emission requirements. It is acknowledged by the applicant that the makeup of the SRF would contain non-renewable materials e.g. plastics, so the

The Waste Hierarchy



energy generated would not be fully renewable energy in the same vein as wind, solar or hydro. With respect as to whether the facility would generate low carbon energy the applicant states that the electricity generated would be *'significantly lower carbon than the current Best Available Technology, with the clear potential for achieving meaningful levels of CO2 drawdown in the medium term.'*

While the facility would not be generating fully renewable/low carbon energy it is considered it meets with the aims of policy DM19.

In addition, as the facility is mainly proposed as a commercial demonstrator seeking to show the possibilities of this type of localised power generation from waste, it is considered to fit within the aims of Policy S8 of the CLP. Policy S8 (Delivering Economic Growth) of the CLP states emphasis added *"The Council will make provision for flexible and market-responsive allocations of employment land which will allow further diversification of Chelmsford's economy, in particular nurturing the growing advanced manufacturing, life sciences and healthcare, financial services, creative industries, and research and development sectors."*

In considering the acceptability of the site it is appropriate to consider whether the facility would give rise to adverse environmental impacts in this location and whether there are other material considerations which would outweigh the non-compliance with locational policy.

## B AIR QUALITY

Policy 10 of the WLP and CLP policy DM29 seek to protect both the environment and nearby residents from the adverse impact from odours and emissions, while CLP policy DM30 seeks to ensure development doesn't have an unacceptable impact upon health and wellbeing of people.

The pyrolysis plant itself does not give rise to gases emissions, however, the combustion of the syn gas in the electricity generator does give rise to emissions. The application was accompanied by an air quality assessment which has been revised in response to comments from the County's Air Quality Consultant.

The County's Air Quality Consultant has raised no objection to the proposals. It is noted that no assessment of emissions from transport or construction has been included in the assessment, but due to limited number of vehicle movements and the small size of the site, emissions from vehicles are not likely to be significant to warrant assessment.

It is also noted that the height of the stack for generator is 8m, which is 4m below the height of the building, which is not best practice. However, the stack is not immediately adjacent to the building and the temperature is relatively high (to enhance dispersion) and the results of the air quality assessment do not predict significant effects. It is commented that the emission assessment of the combustion of syn gas has been undertaken as a worst-case approach (i.e. continuous operation). And that the air quality assessment has adequately identified worst case sensitive human health receptors and concludes no significant effects from any pollutant considered.

CCC EHO has raised no objection and commented as follows: *The updated air quality impact assessment identifies that no exceedances of relevant air quality limit values will occur as a result of this proposal and that the predicted process contributions for NO<sub>2</sub> and carbon monoxide are negligible and that for total organic carbon, the impacts are negligible for all modelled receptors with the exception of one that is defined as having a slight impact. In accordance with EA guidance criteria quoted by the report, the results for all of these pollutants have been screened as not significant. For ecological receptors, the impact by NO<sub>x</sub> and acid deposition are also defined as not significant.*

It should be noted that the facility would require an Environmental Permit (EP) to operate. Due to the small size of the facility the permit would be administered by the local EHO at CCC rather than the Environment Agency (EA). The EA however do have a team that liaise with Local Authorities' EHO on the permitting of such facilities (SWIP – small waste incinerator plants) and the EA have provided appropriate contacts. While air quality is a considered in the planning process, to ensure appropriate plant and equipment is included in the proposals e.g. height of stacks, the actual control of emissions is a matter for the permitting regime. The NPPF paragraph 188 states that *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).”*

It is considered that the air quality assessment has adequately demonstrated that the proposed facility has incorporated appropriate plant and equipment including the height of stacks, such that there are unlikely to be adverse impact on air quality and that it is unlikely the proposals would change at the environmental permitting stage that would change the land use planning considerations of the proposal. It is therefore considered that the proposals are in accordance with the NPPF, WLP policy 10 and CLP policies DM29 and DM30.

## C NOISE AND DUST

Policy 10 of the WLP and policy DM29 of the CLP seek to minimise the adverse impact from noise and dust on living and working environments.

### Noise

With respect to noise generation, HGV movements would be restricted to normal working hours, but the plant would operate 24/7. Initially its operation may be intermittent while it is used as a commercial demonstrator. However, it is hoped that eventually the heat and power would be used locally where upon the facility would run all the time except during periods of maintenance.

Braintree District Council raises concerns about night-time noise, particularly from plant operating 24/7 and arising from HGV deliveries. The County's noise consultant initially was not satisfied with data used to represent night-time background noise levels and in response the applicant undertook a night-time noise survey. The noise impact assessment has subsequently been revised and additional mitigation proposed in the form of an acoustic fence to surround the southern half of the site, surrounding the outside plant. With this additional

mitigation the County's Noise Consultant raises no objection to the application and is satisfied the maximum noise limits would not be exceeded, subject to conditions being imposed setting out night time maximum noise limits should permission be granted. Such conditions could be imposed including a requirement for noise monitoring to show compliance.

No objection on noise grounds has been raised by CCCs EHO.

### Dust

The access to the site is a bound hard surface and circulation areas within the compound for HGVs would be bound hard surface, minimising dust from HGV deliveries. The access for staff and visitors also includes use of a section of hard surface road not bound, but suitable for the size and level of traffic. RDF would be unloaded within the building minimising dust and litter from deliveries and collections and mitigation measures are proposed to minimise dust and odour from the site. The County's Air Quality consultants has suggested that an Operational Management Plan setting out the proposed mitigation and management for odour and dust should be required by condition.

It is considered, subject to conditions that noise and dust from the facility would not give rise to adverse environmental impact upon nearby receptors, and as such the proposals are in compliance with WLP policy 10 and CLP policy DM29.

## D LANDSCAPE AND VISUAL IMPACT

The site is not located within any national or local landscape designations. DM8 of the CLP seeks to ensure new development in rural areas "...will not adversely impact on the identified intrinsic character and beauty of the countryside.." equally WLP policy 10 seeks to ensure that development does not have an unacceptable impact on "...the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness..".

The application was supported by a Landscape and Visual Impact Assessment, which noted

*"The Site does not adhere closely to the Local Character Area but suggested Management Guidelines should still apply. The Site itself contains few of the LCA characteristics and its surroundings (with the exception of the large arable fields and associated hedgerows) are also not particularly well related. The existence of the Blackley Quarry and Chelmsford Racecourse are very strong detracting features and form a distinct character at odds with their local landscape setting."*

With respect to the site current visual amenity, the LVIA noted *"The Site itself provides some fair visual amenity with sections of the PRow network creating pleasant views and visual amenity. Beyond the Site the visual amenity is poor, where the quality of the existing views are such that they are dominated by a number of incongruous elements."*

With respect to the sites current landscape quality the LVIA noted

*“The landscape quality of the proposal site can currently be considered as relatively ordinary –poor quality with limited levels of ecological benefit and biodiversity as well as an abundance of detracting and hard elements. The boundaries of the Site itself provide some high quality landscape in the form of hedgerow trees and some good vegetative cover but the detracting elements beyond dominate in the main.”*

The proposals include a 2.4m black acoustic fence around the southern half of the site. The stacks associated with the facility would not be higher than the building. The gas engine stack would be 8.08m high and the flare 9m high. The existing and proposed planting would soften the visual impact of this fencing and the fencing itself would screen the majority of the activity outside the facility.

The LVIA acknowledges that the proposed development would result in a perceived intrusion into the landscape of the built form and would result in a negative change in the visual amenity in the short-to medium term, but once the proposed planting has matured, the overall low adverse effect would result in a minor beneficial effect in the long-term.

In terms of visual amenity the receptor most impacted would be that of users of the PRoW, during construction and until the vegetation matures i.e. within the first 25 years. There are limited distant views from the north due to the intervening quarry works which will be present until 2045. Views from the racecourse would be softened by the existing vegetation. Once the proposed planting has matured the effects would be overall be a positive effect.

Conditions could be imposed to ensure delivery of the proposed planting and management of the existing vegetation to deliver the landscape and visual benefits in the long term, including the requirement for a landscape and ecology management plan.

It is considered that the landscape value of the immediate area surrounding the proposed site is already devalued by the existing racecourse and in the medium term also the quarry, such that subject to imposition of conditions to ensure delivery of the proposed planting and maintenance of existing vegetation the proposals would not result in adverse landscape and visual amenity grounds that would warrant refusal on these grounds.

## E DESIGN AND LIGHTING

Policy 10 of the WLP seeks to ensure waste development does not have an unacceptable impact through poor design. Policy DM23 of the CLP seeks high quality and inclusive design, including compatible with character of appearance of area (sitting, scale, massing, materials) and well proportioned.

The facility includes the building and surrounding compound. The southern half of the compound would be enclosed by a 2.4m high black acoustic. On the fourth side would be the building. The building would be an industrial style building with a simple pallet of dark grey/black colours. The highest elevation of the building and external plant is located on the southern side where more existing vegetation would

be retained. The building and acoustic fence would be softened by existing and proposed vegetation. The siting of the building and entrances has been chosen to minimise loss of existing vegetation.

The County's design advisors have raised no objection to the proposal.

The lighting proposed has been considered by the County's lighting consultant. It has to be recognised that there are lighting columns associated with the adjacent racecourse, however, these are not on all the time only during events. Light spill has been considered and to minimise impact upon biodiversity within woodland to the south of the site, back shields have been suggested for lights along the southern boundary, this could be secured by condition.

It is considered the design of the building, fencing and lighting is such that it maximises the benefits of the site and with proposed additional planting minimises its impact and is compatible with its surroundings between the racecourse and the quarry and therefore in accordance with WLP policy 10 and DM23.

## F ECOLOGY AND TREES

Policy DM10 of the WLP and DM16 of the CLP seek to protect ecologically designated sites and avoid negative impacts on biodiversity. Policy DM17 of the CLP seeks to protect preserved trees. Policy S4 of the CLP seeks new development to contribute to the advancement of biodiversity.

A preliminary ecological assessment was included with application and indicated there were no protected species on the site and the proposals would not impact any designated sites in the surrounding area. However, it was noted that if trees were to be removed within the boundary then assessment of whether any bat roosts were present should be undertaken and appropriate mitigation undertaken, and proposals for such are included in the ecological assessment and could be secured by condition. It was noted within the ecology report management of existing planting within the boundaries would enhance the biodiversity and aesthetic value of the boundary planting and this could also be secured by condition.

The application was accompanied by an Arboricultural statement. Protection during construction and management of the existing boundary vegetation, including that forming part of the TPO woodland on the southside of the site is proposed as part of the proposals the details of which could be secured through conditions. It is noted that there is potential for the acoustic fence to impact upon veteran trees and therefore a condition is recommended by the County's Landscape officer to ensure that when installing the fence these trees are protected, such a condition could be imposed.

Subject to conditions it is not considered there would be adverse impact upon biodiversity and there would be benefits to biodiversity arising from the proposed additional planting and management of existing planting. The proposals are therefore considered to be in accordance with WLP policy DM10 and CLP policy

## G TRAFFIC, HIGHWAYS AND PROW

Access to the site would be via the existing access from the A131, which is already used for HGV movements to Blackley Quarry and traffic associated with the racecourse. The development would result in limited HGV traffic i.e. 1 or 2 loads a day (2 to 4 movements per day) to import SRF and these would be restricted to normal workings hours. An additional weekly HGV would be required to export the char i.e. 2 movements per week. A maximum of 36 vehicle movements per day are anticipated for staff, with additional movement for visitors. 18 parking spaces are proposed for staff and visitors, 2 disabled spaces are provided and with such would meet the requirements of the Essex Parking Standards and CLP policy DM27. Three electric charging points would be provided in accordance with CLP policy DM25.

The proposals would result in the PRow on the north west boundary being crossed by staff and visitor traffic. This would detract slightly from enjoyment by users of the PRow, but the route is already disturbed by the activities of the racecourse and quarry.

No objection has been raised by the Highway Authority, subject to appropriate measures to protect pedestrians both during construction and upon operation of the facility and vehicular access being restricted to that as proposed.

It is considered that the proposals are in accordance WLP policies 10 (Development management criteria) and policy 12 (Transport and Access).

#### H SuDs AND DRAINAGE

WLP policy 10 and CLP policies S2 and DM18, seek to ensure development does not increase surface water runoff and flood risk, largely achieved through developments including Sustainable Drainage Schemes (SUDS). The proposals include a SUDS with surface water storage capacity below ground and it has been demonstrated this scheme would be adequate to cater for the necessary rainfall events taking into account climate change. The LLFA has raised no objection subject to the implementation of the proposed SUDS.

#### I HISTORIC ENVIRONMENT

The site is not in the vicinity of any Listed Buildings. While the area has not been developed archaeological investigations associated with the racecourse and quarry have identified no significant archaeological deposits. No objection has been raised by the County's Historic Environment Advisor and there is no requirement for further investigation.

#### J CLIMATE CHANGE

The NPPF, WLP policy 11 (Mitigating and Adapting to Climate Change) and CLP policy S2 (Addressing climate Change and Flood Risk) seek to support opportunities for energy and heating from decentralised supply systems. There is an extant planning permission for a grandstand at the racecourse and land allocated for development at Great Leighs within CLP, all within close proximity to the proposed pyrolysis facility and thus there is potential for the heat from the

pyrolysis facility to be used as part of heating system for these developments. However, it has to be acknowledged that there is no commitment as part of these proposals for the utilisation of heat, although the housing development is not at the planning application stage.

The power generated would initially be exported to the National Grid, via proposed cabling below the access road and there is potential in the future for the power to be used by the racecourse and the quarry who currently both use diesel generators. As the power usage at the racecourse is variable, the potential for use of batteries would need to be explored, but the installation of batteries does not form part of the current proposals. Accordingly, the application has been considered acceptable simply in terms of export of the electricity to the National Grid.

The pyrolysis proposals have been put forward mainly as a commercial demonstrator, to provide a working example of a small scale pyrolysis facility utilising waste in the form of SRF to generate heat and power, that could be shown to developers to promote the development of decentralised power and heating systems. The facility has been designed with visitor parking, meeting rooms and an internal viewing gallery to allow visitor to view the pyrolysis hall. It is considered that the facility would be in accordance with the NPPF, WLP policy 11 and CLP policy S2, in supporting and promoting decentralised heating and power supply systems.

## **7. CONCLUSION**

The proposed location is not one allocated for development in the CLP or for waste development in the WLP, however, the site is relatively small and sandwiched between Chelmsford racecourse and Blackley Quarry. The site is currently not largely visible from sensitive receptors except those of users of the public right of way. While Blackley quarry is temporary, screening associated with the quarry would offer some screening of the pyrolysis facility until 2045, by which time the proposed additional planting around the pyrolysis should be well established. While the site is within the “countryside”, the surrounding landscape is not of considered to be of particularly high value and it is not considered that the proposals would have an adverse impact on the “*character and beauty of the countryside*” as set out in CLP policy DM8.

The facility in terms of its waste capacity is very small 8,000tpa and consideration of the various environmental factors such as odour, noise, light, ecology, highway, drainage, have not identified any adverse impacts that would warrant refusal. With respect to air quality, CCC’s EHO and the County’s Air quality consultant have raised no objection albeit it is acknowledged that separately the facility would need to obtain an Environmental Permit, before commencing operation.

While the location is not compliant with spatial policies of the CLP and WLP, the proposed location does provide the opportunity for the facility to provide heat to nearby approved/allocated development including the permitted grandstand at the racecourse.

The facility would provide an opportunity to support and encourage innovation in

small scale energy from waste facilities as well as decentralised heat and power systems in accordance with the NPPF, WLP policy 11 and CLP policy S2. In the absence of identified adverse environmental impacts and in respect of all other material considerations the benefits of the proposal are therefore considered to outweigh non-compliance with the locational criteria of the both the CLP and the WLP, such that the development is considered acceptable in line with the NPPW and other relevant policies of the development plan.

## 8. RECOMMENDED

That planning permission be granted subject to the following conditions:

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

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended). To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.*

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- 2 The developer shall notify the Waste Planning Authority 7 days prior to the first treatment of SRF in the pyrolysis plant.

*Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with Waste Local Plan adopted 2014 (WLP) policy 10 and Chelmsford Local Plan Adopted 2020 (CLP) policies DM 29 and DM30.*

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- 3 The development hereby permitted shall be carried out in accordance with the details of the application dated 17 May 2021, together with drawings as set out below:

Drawing No	Description	Last Revision Date
300.03	Proposed Site Layout Plan	06.07.2021
306.01	Proposed Site Roof Plan (Site Location Plan)	14.05.2021
107.00	Existing Site Block Plan	03.02.2021
301.04	Proposed Ground Floor Plan	09.02.2021
302.03	Proposed First Floor Plan	03.02.2021
303.04	Proposed Elevations	09.02.2021
304.01	Proposed Section	03.02.2021
305.02	Proposed Site Roof Plan	03.02.2021
2114-E06-001 Rev 00	Exterior Small Power & Lighting Layout	25.01.2021
	Great Leighs Site Layout - labels for Planning	02.06.2021
SK01.00	Material Specification (ELE's)	20.07.2021
406.06	Site Plan – Fencing details	17.12.2020

SK3006 Rev 2	General Arrangement of Double Membrane Gas Holder	
Rev 1	Flare – Skid & Concrete Base – GA Drawing	30.07.2021
	Siemens Energy – Container – Part No. 2005016990 – Sheets 1 & 2	09.06.2021
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

Drawing entitled “Great Leighs Site Layout - labels for Planning” (dated 02.06.2021) approves the locations of the following:

- Standby flare
- Filtration circuits
- Gas Conditioning plant
- Cooling Circuits
- Bulk char storage vessel 1 and 2
- Air compressor
- Gas buffer tank
- Gas booster skid
- Gas Engine 1
- Gas Engine control
- HV Switch gear and distribution board
- Import/export transformer
- DNO switch room

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

*Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, to ensure the development does not give rise to environmental impacts that have not been previously assessed and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.*

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4 HGVs entering or leaving the site, shall be restricted to the following periods:

0700 hours to 1830 hours Monday to Friday;  
0700 hours to 1300 hours Saturday;

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and shall not take place on Sundays or Bank or Public Holidays.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10 and CLP policies DM29 and DM30.*

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- 5 No more than 8,000 tonnes per annum of waste shall be imported to the site. From beneficial use of the pyrolysis plant records of the quarterly tonnages of waste shall be maintained and shall be made available to the Waste Planning Authority within 14 days of a written request.

*Reason: For the avoidance of doubt as to the scale of the development hereby permitted, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S2, S4, S8, S11, DM8, DM16, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.*

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- 6 Details of the materials to be used for the external appearance of the building shall be in accordance with the details set out on drawing no. SK01.00 entitled "Material Specification (ELE's)" dated 20 July 2021.

*Reason: In the interest of the amenity of the local area and to comply with WLP policy 10 and CLP policies S11, DM8, DM23 and DM29.*

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- 7 All vehicular access and egress to and from the site shall be from the A131, as indicated on drawing ref. 306.01 dated 14 May 2021. 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 and CLP policy DM29.*

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- 8 Heavy goods vehicles shall only access the site via the entrance on the north east side of the site labelled "Site Entrance 2" on drawing no. 300.03 entitled Prop Site Layout Plan" dated 6 July 2021.

*Reason: In the interests of safety for public rights of way users, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 9 During the construction of the development hereby permitted no commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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- 10 The total number of HGVs movements associated with delivery of Solid Recovered Fuel shall not exceed 4 movements per day. The total number of HGV movements associated with the export of char shall not exceed 4 movements per week.

NB For the avoidance of doubt a heavy goods vehicle (HGV) shall have a gross

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vehicle weight of 7.5 tonnes or more.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies 10 and 12 and CLP policy DM29.*

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- 11 No development shall take place until signs have been erected on both sides of the site access road to the staff and visitor parking at the point where Footpath Great and Little Leighs Number 2 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

*Reason: In the interest of the safety of all users of both the Right of Way and the access road and to comply with WLP policy 10 and 12 and CLP policy DM29.*

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- 12 No beneficial operation of the pyrolysis plant hereby permitted shall take place until the parking areas indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been laid out and clearly marked for the parking of vehicles that may use the site including those for disabled users. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose. No beneficial operation of the pyrolysis plant hereby permitted shall take place until the electric charging points indicated on drawing No. 300.03 entitled "Prop Site Layout Plan" dated 6 July 2021 have been installed and are operational and shall be maintained and operational at all times.

*Reason: To ensure staff and visitor parking is contained within the site in the interests of visual amenity and safety for drivers visiting the site, the adjacent Blackley Quarry, Chelmsford City Racecourse and users of the public right of way and to comply with WLP policy 10 and CLP policies S11 and DM29.*

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- 13 The drainage scheme for the site shall be implemented in accordance with the following drawings:

Drawing No	Title	Last Revision date
CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

*Reason: To minimise the risk of flooding and to comply with WLP policy 10 and CLP policy DM18*

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- 14 The Rating Noise Level ( $L_{Ar,15\text{ min}}$ ) from the facility, when assessed in accordance with BS 4142:2014+A1:2019, at noise sensitive properties listed below (and shown on Figure 2 of the Noise Impact Assessment by Loven Acoustics Ref: LA/1744/02cR/ML dated 13 August 2021) shall not exceed the levels set out below between 2300 hours and 0700 hours. 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.

<b>Noise Sensitive Receptor</b>	<b>Maximum rating noise level limit (<math>L_{Ar,15\text{ min}}</math>)</b>
NSR1 – Blackley Cottages, Blackley Lane	31 dB(A)
NSR2 – The Lodge, Moulsham Hall Farm., Moulsham Hall Lane	32 dB(A)
NSR3 - Hump Cottage & Stone Hall Cottage	31 dB(A)
NSR4 – Norwood, London Road	39 dB(A)
NSR5 – Old Beeches, Moulsham Hall Lane	28 dB(A)

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.*

- 15 Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at suitable locations to demonstrate the Rating Noise Levels at noise sensitive properties identified in condition 14, for the first 12 months of operation. After 12 months noise monitoring shall be undertaken within 1 month of a written request by the Waste Planning Authority. The results of the monitoring shall include  $L_{Aeq}$  noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the night (2300 to 0700 hours) and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. Prior to the first noise monitoring a suitable noise monitoring approach shall be submitted to and approved by the Waste Planning Authority and the noise monitoring shall be implemented in accordance with the approved details.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.*

- 16 External lighting shall be implemented and maintained in accordance with Appendix A – Luminaire Schedule and Appendix B – Site Luminaire Layout of the “Exterior Lighting Report” by the “consultus international group” Report Ref 2114-LUM-EL Rev 02, dated 29 July 2021. Lights located on the southern boundary shall be fitted with back light shields.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.*

- 17 The lighting identified in condition 16 shall not be illuminated outside the following hours of 0700 and 1830 hours Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for safety lighting activated by persons or vehicles and except for security lighting activated by unauthorised persons and vehicles.

*Reason: To minimise the nuisance and disturbances to neighbours, fauna and the*

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*surrounding area from light pollution and to comply with WLP policy 10 and CLP policy DM29.*

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- 18 Solid Recovered Fuel (SRF) brought onto the site shall be deposited and handled only within the building shown on drawing No. 301.04 and only when the doors on elevation B (north east side) are closed..

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policy DM10 and CLP policy DM29.*

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- 19 No development shall take place until a scheme of hard, soft and boundary treatment landscaping works has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 20 of this permission.

*Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 20 Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 19 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the Waste Planning Authority.

*Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 21 The protection of existing trees shall be carried out in accordance with the details set out in arboricultural method statement and tree protection plan, prepared by Sharon Hosegood Associates entitled "Arboricultural Impact Assessment Report" Reef: SHA 131 dated January 2021. Tree protection must be adhered to whilst construction is taking place, including during the installation of the acoustic fencing. Tree protective fencing must be installed prior to any development works taking place.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 22 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority within 6 months of commencement of development as notified under condition 1. The content of the

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LEMP shall include the following:

- 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 aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period), this shall include selective pruning and thinning of trees as well as removal of guards;
- g) Details of the body or organization responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

*Reason: To ensure the longevity of the landscaping scheme and enhancement of the existing flora and fauna and protect the visual amenity and character of the area, in accordance with Chapters 12 and 15 of the National Planning Policy Framework, WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 23 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Eco-Planning UK, January 2021) and the Great Crested Newt and Reptile Survey Report (Eco-Planning UK, June 2021). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

*Reason: To conserve and enhance Protected and Priority species and allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 24 Within 6 months of commencement of development as notified under condition 1 a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Waste Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

*Reason : To enhance Protected and Priority Species/habitats and allow the Waste Planning Authority to discharge its duties under the s40 of the NERC Act 2006*

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*(Priority habitats & species) and in accordance with WLP policy 10 and CLP policies S4, S11, DM16 and DM17.*

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- 25 Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with WLP policy 10 and CLP policies DM29 and DM30.*

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- 26 No waste other than solid recovered fuel (SRF) shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate, additional environmental concerns which would need to be considered afresh and to comply with WLP policy 10 and CLP policy DM29 and DM30.*

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- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings, plant and equipment shall be installed, extended or erected on the site without the benefit of express planning permission.

*Reason: To enable the Waste Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area, to minimise the impact upon landscape and to comply with WLP policy 10 and CLP policies S4, S11, DM16 and DM17, DM29, DM30.*

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- 28 Prior to the erection of boundary fencing details of the materials to be used shall have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: In the interest of the amenity of the local area, to minimise visual and landscape impact and to comply with WLP policy 10 and CLP policies s4, S11, DM8 and DM29.*

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Prior to beneficial use of the development an operational management plan shall be submitted to and approved in writing by the Waste Planning Authority. The operational management plan shall detail measures to prevent odour and dust nuisance. The operational management plan shall be implemented in accordance with the approved details.

*Reason: In the interests of local amenity and to comply with WLP policy 10 and CLP policy DM29.*

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

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## **EQUALITIES IMPACT ASSESSMENT**

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

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

In determining this planning application, the Waste 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 were considered necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

CHELMSFORD – Broomfield and Writtle