



Essex County Council

Development and Regulation Committee

10:30	Friday, 26 February 2021	Online Meeting
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

For information about the meeting please ask for:

Sophie Campion, Democratic Services Officer

Telephone: 033301 31642

Email: democratic.services@essex.gov.uk

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via online video conferencing.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

How to take part in/watch the meeting:

Participants: (Officers and Members) will have received a personal email with their login details for the meeting. Contact the Democratic Services Officer if you have not received your login.

Members of the public:

Online:

You will need to visit the ECC Democracy YouTube Channel

<https://tinyurl.com/yynr2tpd> where you will be able watch live or view the meeting at a later date.

If you wish to address the Committee, you should contact the Democratic Services Officer preferably by email at democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting. If you cannot email then you can telephone 033301 31642 or 033301 39825, between 9.00 am and 5.00 pm, Monday to Friday. However, it will not be possible to register you to speak after 5.00pm on the Tuesday before the Committee meeting.

Accessing Documents

If you have a need for documents in, large print, Braille, on disk or in alternative languages and easy read please contact the Democratic Services Officer before the meeting takes place. For further information about how you can access this meeting, contact the Democratic Services Officer.

The agenda is also available on the Essex County Council website, www.essex.gov.uk From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes	6 - 39
	To approve the minutes of the meeting held on 18 December 2020.	
3	Identification of Items Involving Public Speaking	
	To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on Tuesday before the meeting.	
4	Minerals and Waste	

4.1 Abaco House, Foxhall Road, Southminster 40 - 56

To consider report DR/01/21 relating to the construction of a Waste Transfer Station for the sorting of up to 6,000 tonnes of inert waste per annum.

Ref: ESS/119/20/MAL

4.2 Pitsea Landfill, Pitsea, Basildon 57 - 86

To consider report DR/02/21 relating to the continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (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

5 Information Items

5.1 Applications, Enforcement and Appeals Statistics 87 - 88

To update Members with relevant information on Planning Applications, Appeals and Enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

6 Date of Next Meeting

To note that the next meeting is scheduled for Friday 26 March 2021.

7 Urgent Business

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

Exempt Items

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

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

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

8 Urgent Exempt Business

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

Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Sophie Campion, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

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

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor J Jowers	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 18 December 2020

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr J Jowers
Cllr B Aspinell	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr D Harris	Cllr M Steptoe

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Councillor M Mackrory.

There were no declarations of interest.

2. Minutes

The minutes of the meeting held on 27 November 2020 were agreed as a correct record.

3. Identification of Items Involving Public Speaking

There were none.

4. Highwood Quarry, Great Dunmow

The Committee considered report DR/42/20 by the Chief Planning Officer.

Members noted that permission had been resolved to be granted on both applications in June 2020, subject to legal agreements and conditions.

The Committee noted the current position that to date the legal agreements/deed of variations had not been completed, although signed copies were expected to be received imminently. Planning Permissions could not be issued until they had been completed and therefore a three month extension was sought to complete the legal agreements/deed of variations. It was noted that there may be changes to the Conditions to take into account details that have been approved since the Committee meeting.

The resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

Resolved

That planning permission be GRANTED subject to:

ESS/16/20/BTE

1. The prior completion, within 3 months, of a deed of variation to the existing legal agreement to address the following:

1.1 To ensure the original legal agreement remains associated with new planning permission ESS16/20/UTT

1.2 To impose the following obligations:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. Planning permission subject to the conditions set out below, updated if necessary where schemes are approved.

Draft full conditions and reasons for ESS/16/20/UTT

1. The development hereby permitted shall be begun before the expiry of 1 year from the date of this permission.

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

2. Written notification of the date of commencement of development under this planning permission shall be sent to the Mineral Planning Authority within 7 days of such commencement.

Reason: To enable the Mineral Planning Authority to adequately control the development and to comply with Adopted Essex Minerals Local Plan 2014 (MLP) policies DM1 and S10 and Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).

3. The development hereby permitted shall be carried out in accordance with the details of the application ESS/65/06/UTT dated 12 December 2006, together with:

<u>Description</u>	<u>Dated</u>
Environmental Statement – Non Technical Summary	Dec 2006
Environmental Statement – Volumes 1 & 2	Dec 2006
Email from Douglas Symes	20 Feb 2007 (07:36)
Letter & enclosures from Richard Jackson PLC	23 Feb 2007
Letter & enclosures from D K Symes Associates	9 Mar 2007
Air Quality Impact Assessment by RSK Environmental Ltd	Mar 2007
Hydro-geological risk assessment by Hafren Water Version 1.0	Mar 2007
Appraisal of Badger Activity	May 2007
Archaeological Evaluation by ECC Field Archaeology Unit	Jun 2007
Email from Douglas Symes with enclosures letter to Environment Agency dated 22/10/08 and letter to DK Symes from Hafren Water	11 Nov 2008 (10:50)

Additional Submission under Para. 19 from D K Symes Associates	Mar 2008
Additional Submission 2 from D K Symes Associates	15 September 2008
Additional Information from D K Symes Associates	June 2009
Email from Douglas Symes with letter to Environment Agency from C Leake	3 March 2009 (12:27)
Email from Douglas Symes	11 Nov 2009 (13:10)
Summary of investigation of the potential impacts of mineral extraction on the extant water regime, Little Easton (Version 1) Feb 2010	Feb 2010
Letter from D K Symes re application details, restoration proposals, RoW, S106, landscaping, plant and tonnage volumes	3 March 2010
Email from Douglas Symes	7 April 2010 (14:41)
Email from Douglas Symes with letter from Chris Leake dated 26 April 2010	27 April 2010 (10:30)
Email from Douglas Symes – re Stone Hall water supply	13 May 2010 (10:27)
Groundwater model refinement as amended by Email from Adam Taylor dated 28 July 2010 (18:52) with amended figures	26 July 2010
Letter from Chris Leake to D K Symes	9 September 2010

<u>Description</u>	<u>Reference</u>	<u>Dated</u>
Application Plan	Plan No. 89079/A	29-11-2006
Site Context	Plan No. 89079/SC/1	29-11-2006
Illustrative cross-sections looking across site from Little Easton	Plan No. 89079/SC/2	29-11-2006
Site Plan	Plan no. 89079/S	29-11-2006
Composite Operations Plan	Plan no. 89079/CO/1	29-11-2006
Illustrative Cross Sections showing Plant Site, Bunds & Access	Plan No. 89079/CO/2	29-11-2006
Illustrative Restoration Plan	Plan No. 89079/R/1	29-11-2006
Proposed Access Road Preliminary Layout	Drawing No. 33496-01	21-06-2006
Composite Operations Plan	Plan no. 89079/CO/1a	28-03-2008
Location of Cross Section A-A'	Plan No. 89079/CS/1a	01-05-2009
Illustrative cross section showing sight line from tower	Plan No. 89079/CS/2	28-03-2008
Construction of 'Picture Frame' & Recharge Drain – Year 1	Plan No 89079/RD/1	01-05-2009
Construction of 'Picture Frame' & Recharge Drain – Year 2	Plan No 89079/RD/2	01-05-2009

Construction of 'Picture Frame' & Recharge Drain (to year 5)	Plan No 89079/P/1a	01-05-2009
Illustrative Progressive Operations Plans (years 5-9)	Plan No 89079/P/2a	01-05-2009
Illustrative Progressive Operations Plans (year 9 to completion)	Plan No 89079/P/3a	01-05-2009
Off-Site Planting	Plan no. 89079/OS/1	02-03-2010

And

As amended by non-material amendment Ref ESS/65/06/NMA1 approved by the Mineral Planning Authority on 7 January 2015,

And

As amended by planning application ESS/52/13/UTT dated 12 September 2013, Supporting statement by D K Symes Associates September 2013 and drawings Application Plan 89079/A dated 29-11-2006 and Composite Operations Plan 89079/CO/1e dated 04 -09-2013,

And

As amended by planning application ESS/20/18/UTT dated 18 July 2018 and supporting statement by PDE Consulting dated July 2018,

And

As amended by planning application ESS/16/20/UTT dated 11 February 2020 and supporting statement by PDE Consulting dated February 2020

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

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, P2, S5, S6, S10, S11, S12, DM1, DM3 and DM4 and WLP policies 9 and 10 and Adopted Uttlesford District Local Plan 2005 (UDLP) policies S7, S8, GEN1, GEN2, GEN4, GEN5, ENV2, ENV5, ENV7, ENV8, ENV9, ENV11, ENV12, ENV13.*

4. Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except as defined in condition 67: -

- (a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the

following times: -

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

- (b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies DM1 and S10 and WLP policy 10.

5. The developer shall notify the Mineral Planning Authority in writing 7 days in advance of the following:
- i) intention to start stripping soils from any part of the site or new phase of working
 - ii) commencement of construction of the "picture framing" in each phase
 - iii) completion of the "picture framing" ("picture framing" shall mean the creation of a below ground clay wall as described in the "Additional Information" dated June 2009 prepared by D K Symes")
 - iv) cessation of mineral extraction
 - v) completion of inert landfilling
 - vi) Commencement of the subsoil placement on each phase, or part phase, to allow a site inspection to take place.
 - vii) completion of final restoration under this planning permission;

The following dates have been submitted and approved by the Mineral Planning Authority.

Commencement of the development	26 March 2012	Approved by MPA on 21 November 2012
Commencement of "picture framing" north of B Lodge (phase A/B)	1 September 2012	Approved by MPA on 4 July 2014
Commencement of soil stripping in phases A and B	9 May 2012	Approved by MPA on 21 November 2012
Commencement of exportation of mineral from the site	2 October 2012	Approved by MPA on 21 November 2012.
Commencement of inert landfilling	5 March 2014	Approved by MPA on 4 July 2014
Commencement of inert recycling	5 March 2014	Approved by MPA on 4 July 2014

Reason: To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the

impact upon amenity and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

6. All vehicular access and egress to and from the site shall be from B1256, as indicated on Plan No. 89079/S dated 29/11/06. No other access shall be used by vehicles entering or exiting the site.

Reason: *In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

7. The access road shall be maintained with a concreted surface from 'B' Lodge to the junction with the B1256 for the life of the mineral and landfill development and 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 and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

8. The development hereby permitted shall be implemented in accordance with the road cleaning details approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved road cleaning details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/8/1) dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and set out on pages 1 and 2 paragraphs 8.1 and 8.3 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1 dated December 2011.

Reason: *In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

9. No loaded vehicles shall leave the site unsheeted (except those carrying any materials other than washed stone in excess of 500mm in diameter).

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 6 metres from the nearside edge of the carriageway.

Reason: *In the interests of highway safety and to comply with MLP policies DM1 and S10 and WLP policy 10.*

11. Except for temporary operations, the free field Equivalent Continuous Noise Level

[LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

12. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as set out in condition 11 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 12 month period. 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 Mineral Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

13. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 11 and condition 68. 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 Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

14. 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 MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.

15. All plant, equipment and machinery shall only operate during the hours permitted

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

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.

16. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum. No installation of the processing plant and/or extraction of mineral except that associated with the "picture framing" and no installation of the processing plant associated with inert recycling shall take place until such time as all the screening bunds numbered 2, 5, 6 and 7 as identified on Plan 89079/CO/1 have been completed in full.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

17. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the sand plant which shall not exceed 98m Above Ordnance Datum.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

18. Prior to the installation of any mineral processing plant, concrete batching plant, inert waste processing plant and equipment and buildings details of such shall be submitted to the Mineral Planning Authority for approval. The installation of such plant, equipment and buildings shall be in accordance with the approved details.

The details of the mineral processing plant and buildings were approved on 21 November 2012 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 18 dated 3 September 2012, supporting statements entitled "Condition 18 – Details of Plant & Buildings" and the following plans

Plan No.	Date	Title
Gen./ISO/1	3/9/12	Elevations of ISO container
Gen./OM/1	3/9/12	Elevations of office/messroom
Gen./OW/1	3/9/12	Details of office & weighbridge
890079/LP/1 also SP548-LAY-01	22/9/11 amended 3/9/12	Existing washing plant aggrmax installation
89079/RP/1	30/8/12	Revised plant details
89079/P/1	3/9/12	Illustrative details of plant and operation area

and emails from D K Symes Associates dated 13 September 2012 (12:09) and email dated 3 October 2012 (17:35). The plant and buildings shall be implemented in accordance with the approved details.

The details for the workshop were approved on 4 July 2014 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014, Plan No. 89079/MB/S, plan of Illustrative elevations of workshop.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.

19. No fixed lighting shall be erected or installed until details of the location, height, design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting and shall thereafter be erected, installed and operated in accordance with the approved details.

Details of lighting for the processing plant and buildings were approved on 21 November 2012 under condition 19 of Planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 3 September 2012, supporting statements entitled "condition 19 – Details of lighting" and the following plans:

Date	Plan No.	Title
22/9/11	890079/LP/1	Existing washing plant aggrmax installation
(amended 3/9/12)	also SP548-LAY-01	
3/9/12	89079/P/1	Illustrative details of plant and operation area

The details of lighting for the workshop were approved on 4 July 2014 under condition 19 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014 and External Lighting Proposals (Project number 3283 RKW) prepared by Coco Lighting Ltd dated 28 April 2014 and email from SRC dated 8 May 2014.

The lighting shall be implemented in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to safeguard Stansted airport and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.

20. Floodlights/fixed lighting shall not be illuminated outside the hours as set out in condition 4 save for security lighting activated by unauthorised entry by persons or vehicles, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.

21. Notwithstanding the provisions of parts 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

- (a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, without prior planning permission from the Mineral Planning Authority;
- (b) No mineral waste shall be deposited except silt at the site complex without prior planning permission from the Mineral Planning Authority.

Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon landscape and safeguard Stansted Airport and to comply with MLP policies DM4, S10 and DM1 and WLP policy 10.

22. No as raised mineral and/or primary aggregates shall be imported to the site for processing.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed in the application details and to comply with MLP policies DM3, S10 and DM1.

23. No extraction of sand and gravel shall take place below 77m Above Ordnance Datum.

Reason: To ensure that there are no adverse impacts on the local amenity and groundwater from the development not assessed in the application details and to comply with MLP policies S10, S12 and DM1, WLP policy 10 and UDLP policy ENV12

24. There shall be no extraction of mineral in each phase prior to the completion of the groundwater mitigation measures (picture framing, use of dewatered water into surface ditch and compensatory borehole) in that phase, except that mineral extraction necessary to implement the "picture framing".

Reason: To ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

25. No dewatering shall take place at the site until there is provision in place for settlement of sediment from dewatered water; this settled dewatered water shall be available for recharge via the surface water ditch to the Little Easton Ponds.

Reason: To ensure that there are no adverse impacts on surface water and the local amenity from the development and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

26. The development hereby permitted shall be implemented in accordance with the details of the engineering, construction, phasing and a timetable for implementation of the "picture framing" including the associated "recharge trench" approved on 29 April 2020 under condition 26 of planning permission ESS/20/18/UTT (ref ESS/20/18/UTT/26/01). The approved details are set out in the application for approval of details reserved by condition dated 11 November 2019, the Statement of Support, by DK Symes Associates dated November 2019, letter from Hafren Water dated 20 November 2019, Drawing no. 89079/CO/1e entitled "Composite Operations Plan" dated 05-01-2019 and drawing no. 89079/TR/3 entitled "Cross Section showing Recharge Facility" dated 07-10-2019.

Reason: To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

27. Prior to the restoration of phases B, D or E construction and engineering details of the seasonal pond and its connection to the "recharge trench" shall be submitted to the Mineral Planning Authority for approval. The seasonal pond and connection to the recharge trench shall be implemented in accordance with the approved details.

Reason: To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.

28. The development hereby permitted shall be implemented in accordance with the details of seed mix for screening bunds and programme of maintenance approved on 12 March 2012 under condition 28 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition dated 9 November 2011 and set out on page 4 paragraphs 28.1 and 28.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

29. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/29/1) dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.

30. The access road used in connection with the development hereby permitted shall be

sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.

31. The development hereby permitted shall be implemented in accordance with the planting scheme for Bund 7, the buffer zone between the access road and Highwood SSSI and management plan approved 17 August 2018 under condition 31 of planning permission ESS/65/06/UTT. The approved planting scheme as set out in the application for approval of details reserved by condition dated 9 November 2011, including

- Email from D K Symes dated 22 March 2012
- Drawing 89079-OS-1c
- Drawing 89079-CO-1c
- Drawing 89079/CO/1d August 2013
- High Wood SSSI Buffer Zone - Strategy for Woodland Planting, Regeneration and Management Dated August 2013

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 ensure the planting has the maximum period to establish and minimise the impact of the development on High Wood SSSI to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies S7 and ENV7.

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

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.

33. No development or any preliminary groundworks shall take place until:

- a. All retained trees (Retained trees shall be those show on Plan No 89079/P/1a – Site Preparation) have been protected by fencing of the ‘HERAS’ type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
- b. The fencing shall be maintained throughout the life of the development
- c. Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written

consent of the Mineral Planning Authority.

Reason: In the interest of visual amenity and to ensure protection of the existing natural environment and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7 and ENV8.

34. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 12 March 2012 under condition 34 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011 and on pages 5 and 6 paragraphs 34.1 to 34.5 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and plans reference

Drawing No.	Dated	Title
89079/P/1b	20-06-2011	Illustrative Progressive Operations Plans (to year 5)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (years 5 - 9)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (year 9 to completion).

Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

35. The development hereby permitted shall be implemented in accordance with the scheme of machine movements for the stripping and replacement of soils approved on 12 March 2012 under condition 35 of planning permission ESS/65/06/UTT. The scheme is set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011 from D K Symes Associates as set out on page 7 paragraph 35.1 to 35.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and MAFF 2000 Good Practice Guide for handling soils sheets 3, 4 and 15.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.

36. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation [except for the purpose of stripping that part or stacking of topsoil in that part] unless all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under condition 34 of this planning permission.

Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.

37. All topsoil, subsoil and soil making material shall be retained on the site and used in restoration scheme as indicated on Plan No. 89079/R/1.

Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy 10.

38. 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 and to aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy W10E.

39. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse. When subsoil is to be retained for use in the restoration process, subsoil shall be stripped to a depth of not less than 700mm and shall, wherever possible, be immediately re-spread over the replaced overburden. If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

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

- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils unless otherwise agreed in writing by the Mineral Planning Authority;
- b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
- c) not be subsequently moved or added to until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
- d) have a minimum 3.0 metre stand-off, undisturbed around each storage mound;
- e) comprise topsoils on like-texture topsoils and like-texture subsoils;
- f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soil, to aid the final

restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

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

Reason: *To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

42. The development hereby permitted shall be implemented in accordance with the scheme to accommodate all surface and foul water drainage approved on 23 March 2012 under condition 42 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (Ref ESS/65/06/UTT/42/1) dated 9 December 2011 and set out on page 7 paragraphs 42.1 to 42.7 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and accompanying drawing by Intermodal IT1099HD/038 and email from Douglas Symes dated 29 February 2012 (11:21).

Reason: *To minimise the risk of pollution of water courses, aquifers and High Wood SSSI and minimise the risk of flooding to comply with MLP policies DM1 and S10 and WLP policy 10.*

43. The development hereby permitted shall be implemented in accordance with the details of petrol/oil/grit interception facilities approved on 23 March 2012 under condition 43 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (ref ESS/65/06/UTT/43/1) dated 9 December 2011 and on pages 7 & 8 paragraphs 43.1 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and email from D K Symes Associates dated 29 February 2012 (11:21).

Reason: *To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy 10.*

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

Reason: *To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy 10.*

45. No works or excavation shall take place within 10 metres from the boundary adjoining High Wood SSSI as shown on drawing 89079/A and dated 29/11/06.

Reason: To minimise the impact of the development on High Wood SSSI and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7.

46. No waste shall be received at the site from outside the administrative boundaries of Essex or Southend on Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.

- A) No waste shall be received at the site from outside the administrative boundaries of Essex or Southend on Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.
- B) The development hereby permitted shall be implemented in accordance with the origin of waste details approved on 4 August 2017 under condition 46 of planning permission ESS/6506/UTT. The approved waste origin details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/46/1) dated 9 November 2011 and set out in the statement 'Details Pursuant to Planning Permission ESS/65/06/UTT' prepared by D.K. Symes Associates dated December 2011.

Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become net sufficient for managing its own waste ensuing that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity.

47. No waste other than those waste materials defined in the application details, that is, inert construction, demolition and excavation waste 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.

48. Prior to the use of skips as part of the waste operation details of skips storage, including the maximum number of skips, purpose and a location area within the Site shall be submitted to and approved in writing by the Waste Planning Authority. Skips shall be stored in accordance with the approved details.

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

49. No development shall take place other than the construction of the access road, until signs have been erected on both sides of the access road at the point where Footpaths Little Canfield 5 and 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the

development hereby permitted.

Reason: In the interest of the safety of all users of both the Public Right of Way and the access road and to comply with MLP policies DM1 and S10 and WLP policy 10.

50. Any temporary alternative rights of way shall be a minimum of 2m wide with grassed margins of not less than 3 m from the toe of any bund.

Reason: In the interest of the safety of all users of both the Right of Way and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy LC2

51. Extraction of minerals shall cease by 25 March 2026. All buildings, structures, hard standings, foundations, plant and machinery used in connection with the mineral extraction and stockpiles of unprocessed and processed primary mineral shall be removed within 6 months of the date of cessation of mineral extraction as defined by condition 4vi. Landfilling and processing of inert waste materials shall cease by 25 March 2027. The site shall be progressively restored as set out within the application (as defined by condition 3). All buildings, structures, hard standings, foundations, plant and machinery used in connection with the landfilling and stockpiles of processed and unprocessed material shall be removed within 12 months of the date of cessation of landfilling as defined by condition 5v or the 25 March 2027 whichever is the sooner. Each phase of the development shall be restored within 12 months of the cessation of landfilling in that phase and the last phase shall be restored no later than 25 March 2027 and restoration in all phases shall be in accordance with the restoration scheme approved under condition 56 of this permission.

Reason: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

52. In the event of a cessation of winning and working of mineral and/or the deposit of waste for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme, as referred to under condition 56, which in the opinion of the Mineral 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 Mineral Planning Authority. The revised scheme of restoration and aftercare, with a timetable for implementation shall be submitted to the Mineral Planning Authority within 6 months of the cessation of mineral extraction and or landfilling, for approval in writing. The development shall be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

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

of the aftercare period.

Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.

54. Prior to the commencement of landfilling details of pre-settlement levels shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include land topography shown in contours at not less than 1 metre intervals and shall show existing contours 250m outside the Site and show calculations demonstrating the anticipated settlement to achieve 'Illustrative Restoration Plan' Plan No 89079/R/1. The development shall be implemented in accordance with the approved details.

Reason: To ensure proper restoration of the site and compliance with MLP policies DM1, S10 and S12 and WLP policy 10.

55. Prior to the placement of overburden and/or subsoil, the reinstated area shall be covered with a low permeability capping layer sufficient to prevent the ingress of surface water into the deposited waste. The low permeability capping layer shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence.

Reason: To prevent ingress of water to the landfill and a build up of leachate within the site to minimise potential of pollution to groundwater and to comply with MLP policy S12 and WLP policy 10.

56. Prior to commencement of landfilling within Phase D a restoration scheme for the site shall be submitted, including details of the following

- Progressive restoration of the site, such that Phase C shall be restored prior to mineral extraction in Phase E, Phase D shall be restored prior to mineral extraction in Phase F, Phase E shall be restored prior to mineral extraction in Phase G, Phase F shall be restored prior to mineral extraction in Phase H and Phase G shall be restored prior to mineral extraction in Phase 1.
- Hedgerow planting, including species, spacing, protection
- Woodland planting, including species, spacing protection
- Rough grassland, seed mix
- Seasonal pond, construction details with link to recharge trench, levels, at 0.5m contours and cross sections. Details to exclude birds, likely to cause a bird strike hazard
- Phased programme and timetable for implementation
- Advance approval of a scheme for

All restoration works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure proper restoration of the site make appropriate provision for the

management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV8.

57. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agriculture, nature conservation and woodland use shall be submitted to and approved in writing by the Mineral Planning Authority prior to replacement of soils on site. The submitted Scheme shall:
- Provide an outline strategy in accordance with Paragraph 57 of the Planning Policy Guide for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority.
 - Provide for a detailed annual programme, in accordance with Paragraph 50 of the Planning Policy Guide to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
 - Unless the Mineral Planning Authority agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

Reason: To ensure the satisfactory restoration of the site for agriculture, nature conservation and woodland and in accordance with MLP policy S12 and WLP policy 10.

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

The written scheme and programme of archaeological investigation for areas 1-5 was approved on 12 March 2012 under condition 58 of planning permission ESS/65/06/UTT. The approved written scheme and programme of archaeological investigation for areas 1-5 are set out in the "Written Scheme of Investigation for Archaeological Excavation – Archaeological Areas 1 -5" dated October 2011 received with email dated 20 January 2012.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy S6, WLP policy 10 and UDLP policy ENV4.

59. No removal of hedgerows, trees or shrubs shall take place between 1st March and

31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed. Any such written confirmation or ecological assessment shall be submitted to the Mineral 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 MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8

60. The development hereby permitted shall be implemented in accordance with the ecological survey and mitigation/compensation strategy approved on 23 March 2012 under condition 60 and 61 of planning permission ESS/65/06/UTT. The approved survey and strategy are set out in the Application for Approval of Details Reserved by Condition dated 13 February 2012 including the Environmental Statement dated December 2006, and specialist surveys for badgers by Susan Deakin of Liz Lake Associates, May 2007, for bats by John Dobson of Essex Mammal Surveys July 2006 and herpetological survey by Patrick McKenna of Eco- Planning UK July 2006 and report by Susan Deakin Ecology dated January 2012 entitled "Update appraisal of ecological interests and mitigation/compensation strategy pursuant to conditions 60 and 61 of the planning approval".

Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.

61. The development hereby permitted shall be implemented in accordance with the Bird Hazard Management Plan approved on 4 April 2012 under condition 62 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 November 2011 and in paragraphs 62.1 to 62.18 of "Details Pursuant to Planning Permission ESS/65/06/UTT - Submission" dated December 2011". No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Mineral Planning Authority.

Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application and to comply with MLP policies DM1 and S10 and WLP policy 10.

62. Upon completion of the restoration of the Site "B" Lodge shall be reinstated as a dwelling house

Reason: To ensure that the "B" Lodge does not remain in office use upon completion of the development in the interests of local amenity and to comply with policies MLP policies DM1, S10, WLP policy 10 and S12 and UDLP policy S7.

63. From the date of this permission the operators shall maintain records of their

quarterly output production for minerals and shall make them available to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policies DM1, S10 and S12.

64. Details of the tonnage of waste imported to the site during each year (1 Jan to 31 Dec), the tonnage of exported recovered materials for each year and remaining void space in cubic metres at the site as at 31 December shall be submitted to the Waste Planning Authority. The details shall be submitted to the Mineral Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to ensure the development is operating in accordance with the submitted details as set out in condition 3 and ensure compliance with approved restoration timetable and to comply WLP policy 10.

65. Prior to the removal of the oak tree as shown on Plan No. 89079/P/1a – Site Preparation details of its felling and the relocation of the tree and/or wood to an alternative location shall be submitted to and approved in writing by the Mineral Planning Authority. The oak tree shall be removed in accordance with the approved details.

Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV7 and ENV8.

66. Prior to the 31 March of each year following the date of this planning permission a working and reclamation scheme for the site shall be submitted for the site detailing the following:

- Areas to be stripped of topsoil, subsoil, or overburden,
- Areas to be used for storage of topsoil, subsoil and overburden,
- Areas to be restored that year
- Areas to be worked for mineral
- Location of water storage
- Location of internal haul roads

Reason: To ensure working and reclamation is in accordance with approved details and to minimise the impact of local amenity in accordance with MLP policies DM1 and S10 and WLP policy 10.

67. HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

Reason: In the interest of safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

68. The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 0600 hours and 0700 hours Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

69. Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Mineral Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.

70. The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)
156 movements (78 in and 78 out) per day (Saturdays)

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

Reason: In the interests of highway safety, safeguarding local amenity and to

comply with MLP policies S11 and DM1 and WLP policy 10.

71. Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

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 MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8

ESS/17/20/UTT

- 1 The prior completion, within 3 months, of a Legal Agreement under the Planning to secure obligations covering the following matters:
 - a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
 - b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
 - c. No HGVs to arrive at the site between 6am and 7am
2. That planning permission subject to the conditions set out below, updated if necessary where schemes are approved.

Draft conditions and reasons for ESS/17/20/UTT

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

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended) and to enable the Waste Planning Authority to adequately control the development and to comply with Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 7 October 2014, together with supporting statement dated 7 October 2014, noise report dated September 2014, Essex Biodiversity Validation Checklist dated 17 November 2014, letter dated 3 November 2014, emails dated 4 November 2014 (15:34), 10 November 2014 (15:12) and 27 February 2015 (12:48), together with plan numbers:

Plan No.	Title	Date
M14.103.D.001	Site Location Plan	Sep 2014
M14.103.D.002	Existing Situation	Sep 2014

M14.103.D.003	Indicative Site Layout	Sep 2014
M14.103.D.004	Indicative Elevations	Sep 2014

And

As amended by planning application ESS/36/15/UTT dated 12 August 2016, Supporting Statement by PDE Consulting dated August 2016,

Essex Biodiversity Validation Checklist dated 12 August 2016 and Drawing M14.103.D.001 Site Location Plan dated Sept 2014

And

As amended by planning application ESS/21/18/UTT dated 27 July 2018 and the supporting documents:

Supporting statement by PDE Consulting dated 27 July 2018,
Essex Biodiversity Validation Checklist dated 30 July 2018
Letter from LF Acoustics dated 13 July 2018,
Letter from Wilkinson Associates (Ref: A1408) dated 18 July 2018,
Email from PDE Consulting dated 12 September 2018
Letter from LF Acoustics dated 10 September 2018 and accompanying Figure 1
Letter from PDE Consulting dated 16 October 2018

And

As amended by planning application ESS/17/20/UTT dated 11 February 2020 and Supporting Statement by PDE Consulting dated February 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 nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies: S1, S10, S11 and DM1, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4, ENV11 and S7.

3. All plant, buildings, machinery, foundations, hardstanding, used in connection with this permission shall have been removed within 3 months of cessation of mineral extraction or by the 25 March 2026 whichever is the sooner. The site shall be restored to agriculture in accordance with planning permission ESS/20/18/UTT or any subsequent approved restoration scheme.

Reason: To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with MLP policy S12, WLP policy 6 and 10.

4. The development hereby permitted shall only be carried out during the following

times:

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

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

Except as amended by condition 17.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies: DM1 and S10, WLP policy 10.

5. All vehicular access and egress to and from the site shall be from the B1256, as indicated on Plan No M14.103.D.001, dated September 2014. No other access shall be used by vehicles entering or exiting the site.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: DM1, S10 and S11, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4 and ENV13.

6. The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted (when combined with the vehicle maximum permitted vehicle movements under planning permission ESS/65/06/UTT) shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)

156 movements (78 in and 78 out) per day (Saturdays)

No HGV movements shall take place outside the hours of operation authorised in Condition 4 and 17 of this permission.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: S1, S11, DM1, WLP policy 12.

7. The development hereby permitted shall be implemented in accordance with the measures to ensure no mud, dust or deleterious material is carried out onto the public highway approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved measures as set out in the application for approval of details reserved by condition 8 dated 9 November 2011, including letter dated 9

December 2011 from D K Symes Associates and on pages 1 and 2 paragraphs 8.1 to 8.3 in "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

Reason: *In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

8. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

Reason: *In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

9. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 8 and 18. 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 Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: *In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.*

10. 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 local amenity and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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

Reason: *In the interests of amenity and to comply with MLP policies: DM1 and S10,*

WLP policy 10 and UDLP policies: ENV11 and GEN 4.

12. No waste other than those waste materials specified in the application reference ESS/45/14/UTT 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 policies W3A, W9B and W10E and RWLP policy 10.

13. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.

14. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.

15. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.

16. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the soil washing plant which shall not exceed a height of 97m Above Ordnance Datum, as shown on drawing no. 14.103.D.004 entitled "Indicative Elevations of Proposed Plant" dated Sept 2014.

Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.

17. HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

Reason: To allow a trial period of one year to allow it to be demonstrated that HGVs leaving between 6am and 7am does not give rise to unacceptable impacts, in the interest of safeguarding local amenity and to comply with, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.

18. The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 0600 hours and 0700 hours Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.

19. Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

Reason: To allow the Waste Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.

20. Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

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 MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.

5. Dunton Fields Early Years Centre, Laindon

The Committee considered report DR/43/20 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of some changes to proposed conditions 2, 4 and 5.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report and Addendum.

Members noted that the application was first considered by the Committee in May 2020. A number of issues and concerns were raised by Members and as a result it was resolved to defer a decision on the application to allow the applicant the opportunity to review certain aspects of the proposals.

The Committee noted the key issues:

- Need
- Policy Considerations
- Design and Layout
- Impact on Natural Environment
- Impact on Residential Amenity
- Traffic and Highways

Following comments and concerns raised by Members, it was noted:

- That the attenuation pond adjacent to the eastern boundary of the site was owned by the Developer.
- There was currently no bus route through the development, this would be welcomed but is outside of the control of the planning process for this site.
- Members welcomed the amendments to the proposal submitted to address the issues and concerns previously raised. In particular the Committee was appreciative of the short time in which the application had returned with a much improved scheme.
- Members attention was drawn to the sustainability section of the report regarding the measures proposed for this particular application. This proposal was not part of the pilot scheme for more advanced sustainable design features. However, it could be retro-fitted to meet future standards.
- Concern was raised regarding the potential impact of emissions, particularly on children, from the adjacent A127 road and how this would be monitored. The Committee was advised that this was an issue primarily for the District Council to monitor air quality in the area, as it was an issue affecting the area more generally rather than just this particular site. Environmental Health was responsible for monitoring air quality and any action required.
- Members expressed the view that more consideration should be given to the position of sites for schools and early year provision within new developments, when they are considered by District Planning Authorities. Officers agreed to raise this issue with planning colleagues.
- Clarification was provided on the parking spaces included in the site. This had increased from nine in the original proposal to 15.
- The Service would give consideration as to how the Committee may be given advance sight of applications in the future.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, was proposed and seconded. Following a vote of nine in favour and one against, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/BAS/33/20 dated 4 March 2020 and validated on 13 March 2020 together with Drawing Numbers:

- 323-412.P6 – East Elevation North Elevation – 16.11.20
- 323-411.P6 – South Elevation West Elevation – 16.11.20
- 323-311.P4 – Section AA – 26.7.20
- 323-212.P3 – Roof Plan – 04-09-20
- 323-211.P4 – Floor Plan – 27.07.20
- 323-113.P3 – Drainage Plan – 04-07-20
- 323-111.P4 – Site Plan – 04-07-20
- 323-112.P3 – Landscape and Planting Plan – 14-04-20
- 323-110.P2 – Location & Block Plan – 4.3.20

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy SD4 (Presumption in Favour of Sustainable Development), Policy HC3 (Strategic Approach to Education, Skills & Learning), Policy HC10 (New and Enhanced Community Facilities), Policy T1 (Transport Strategy), Policy T8 (Parking Standards), Policy DES1 (Achieving Good Design), Policy DES4 (High Quality Buildings), Policy NE5 (Development Impacts on Landscape and Landscape Features) and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

3. The construction of the development hereby permitted shall not be carried out unless during the following times:
 - 08:00 hours to 18:00 hours Monday to Friday
 - 08:00 hours to 13:00 hours Saturdays

And at no other times, including on Sundays, Bank or Public Holidays.

Reason: *In the interest of limiting the effect of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

4. Any trees, shrubs or hedge forming part of the landscaping scheme approved in connection with the development hereby permitted (shown on Drawing 323-112.P3 – Landscape and Planting Plan) dated 14-04-20 that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree, shrub or hedge the details of which shall have received the prior written approval of the County Planning Authority.

Reason: *In the interest of the amenity of the local area and to ensure the development is adequately screened and to comply with Policy NE5 (Development Impacts on Landscape and Landscape Features) of the Revised Publication Local Plan October 2018.*

5. No beneficial occupation of the development hereby permitted shall take place until the access at its centre line has been provided with a clear ground visibility splay with dimensions of 2.4metres by 25 metres in both directions, as measured from and along the nearside edge of the carriageway, as shown in principle on Drawing Number 10114_1170 – Large Vehicle Swept Path prepared by GTA and dated 4 March 2020 included as part of the Transport Statement (Ref 10114) prepared by GTA and dated March 2020. Such visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction at all times.

Reason: *To provide adequate inter-visibility between vehicles using the access and those in the public highway in the interests of highways safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

6. No beneficial occupation of the development hereby permitted shall take place unless the vehicular access has been constructed at right angles to the existing carriageway

as shown in principle on Drawing Number 323-111.P4 – Site Plan - prepared by Denning Male Polisano dated 4 July 2020. The width of the access at its junction with the highway shall not be less than 5.5metres and shall be provided with 2no. appropriate kerbed radii and dropped kerb pedestrian crossing point.

Reason: *To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy BAS BE 12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian access on Warwick Crescent, as shown on Drawing Number 323-111.P4 -Site Plan – dated 4 July 2020 unless they open inwards from the public highway and those serving a vehicular entrance shall be set back a minimum distance of 6 metres from the nearside edge of the Warwick Crescent carriageway.

Reason: *In the interests of highway safety and to comply with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.*

8. Each vehicular parking space shall have minimum dimensions in accordance with the current parking standards.

Reason: *To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

9. Cycle parking facilities shall be provided as shown on Drawing Number 323-111.P4 – Site Plan – dated 4 July 2020 in accordance with the current parking standards. The approved facility shall be secure, convenient and covered and provided prior to the first beneficial occupation of the development hereby permitted and retained at all times.

Reason: *To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy T8 (Parking Standards) of the Revised Publication Local Plan October 2018.*

10. No unbound material shall be used in the surface treatment of the vehicular access hereby permitted, within 6 metres of the highway boundary.

Reason: *To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018).*

11. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interests of highway safety to ensure compliance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies 2007 and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.

12. There shall be no development, including any groundworks or demolition, until a Construction Management Plan has been submitted to, and approved in writing by the County Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

Reason: To ensure that the on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies and Policy NE6 (Pollution Control and Residential Amenity) of the Revised Publication Local Plan October 2018.

6. Enforcement Service Update

The Committee considered report DR/44/20 by the Chief Planning Officer.

Members noted that the updated Essex Local Enforcement and Site Monitoring Plan had been endorsed in 2016. The Plan set out how the Service will deal with complaints, including normal response times. The County Council employs one Planning Enforcement Officer who is supported by Planning Officers within the Service. In recent months and especially since the COVID-19 outbreak there had been an increased number of complaints and together with the restrictions in place regarding site visits over the summer, there was now a backlog of cases to be resolved.

In response to comments from Members, it was noted that the Service was working together with the Environment Agency Waste Crime Team to take enforcement action where applicable. Officers were also working with Trading Standards and where appropriate considering the Proceeds of Crime Act to tackle enforcement cases.

The resolution was proposed and seconded. Following a unanimous vote of nine in favour (Cllr Aspinell being unavailable during this item), it was

Resolved

That the normal target response times, as set out in Section 5 of the Local Enforcement and Site Monitoring Plan (the Plan), are relaxed until 30 June 2021 on the understanding that cases are continued to be prioritised in accordance with the procedures and processes detailed in the Plan.

7. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/45/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

8. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 22 January 2021, to be held as an online meeting.

There being no further business, the meeting closed at 11.30am

DR/01/21

Report to: DEVELOPMENT & REGULATION (26 February 2021)

Proposal: MINERALS AND WASTE DEVELOPMENT - Construction of a Waste Transfer Station for the sorting of up to 6,000 tonnes of inert waste per annum.

Ref: ESS/119/20/MAL

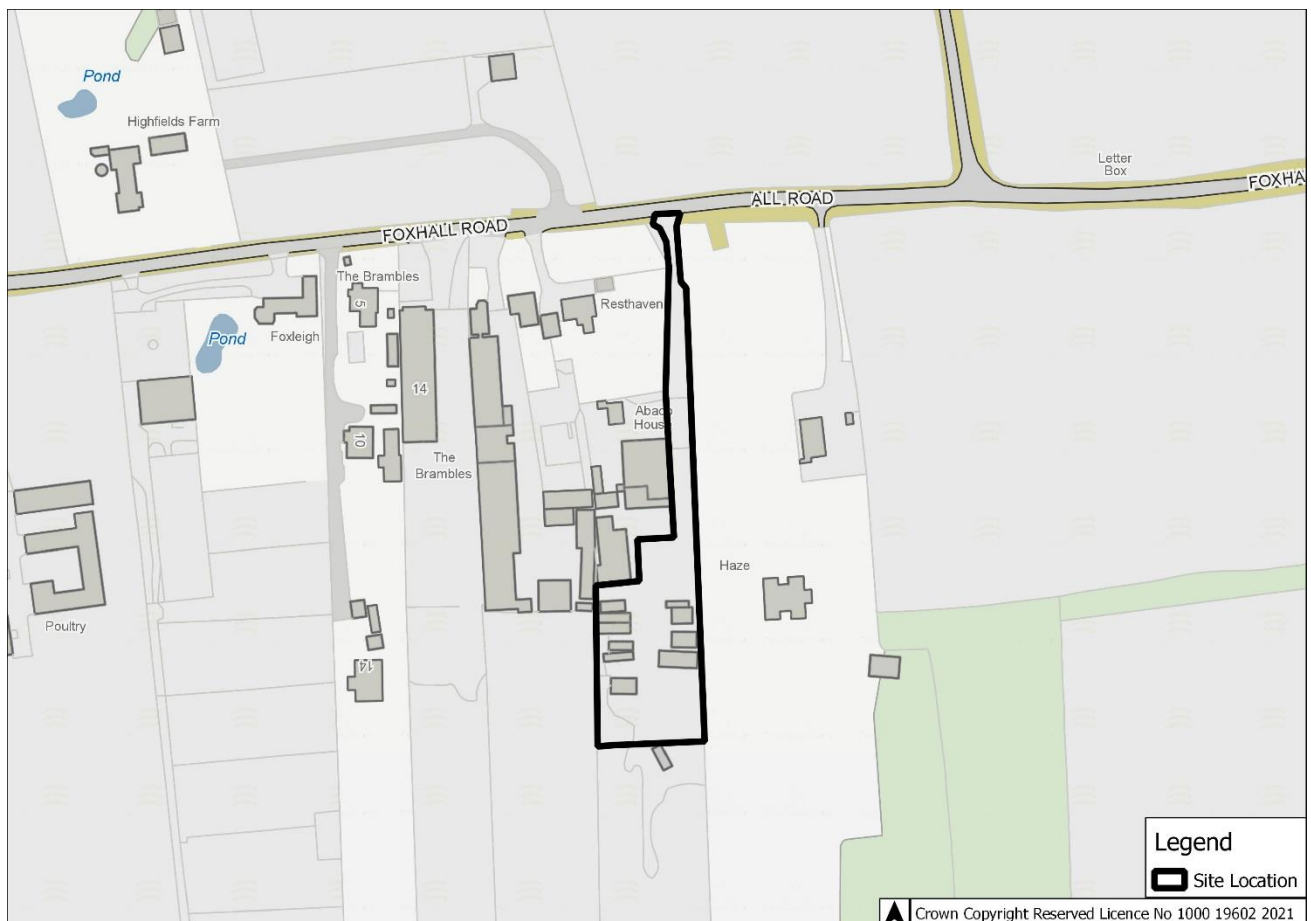
Applicant: C&H Skip Hire

Location: Abaco House, Foxhall Road, Southminster, CM0 7LB

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

Enquiries to: Tom Sycamore Tel: 03330 321896

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



1. BACKGROUND

There is a limited planning history at the site. A lawful development certificate was granted by Maldon District Council in 2003 (ref: LDE/MAL/03/00491) for 'use of a workshop building for the manufacturing, repairs and storage of equipment, machinery and other materials. Use of land for ancillary storage up to a height of three metres and parking of vehicles associated with the principle use of the site'. This was granted for land immediately to the north of the application site, which shares the same access and the same plot as the proposal site.

An application was made to the Waste Planning Authority in October 2019 (ref: ESS/88/19/MAL) for the provision of a waste transfer station for the sorting of up to 6,000 tonnes of waste per annum including the erection of a sheltered area for the sorting of skips. The application was subsequently withdrawn as the site was considered to be unallocated agricultural land not suitable for waste development.

Following this, a change of use application was made to Maldon District Council in May 2020 for the change of use of the site from agriculture to a B8 use (storage and distribution of skips) and an open fronted storage building. Whilst the officer report recommended refusal, the application was approved at the Maldon District Planning Committee in September 2020 and the decision notice was issued in October 2020.

The site owner purchased the plot in early 2007. The applicant has rented the site subject of this application since 2013 and has continuously stored and stacked skips in this location, ranging from mini 2 cu yard skips to 16 cu yard maxi skips. Between 2013 and now, the applicant has delivered skips from this location to customers within Maldon District ranging from private residential homes to construction sites. The skips are then collected from customers and taken to licensed waste transfer stations for processing and recycling depending on the contents and nature of the waste.

2. SITE

The site is located on Foxhall Road approximately 1.5km northwest of Southminster. Immediately to the west lies a number of industrial-style buildings. Industrial uses have taken place on sites adjacent to the application site for at least 30 years, such as plant hire businesses, storage, large vehicle transport companies and other B1 and B2 uses.

To the east lies a residential property named Hazelville, approximately 30m to the east of the site boundary. The property was historically located towards the northern end of the site by Foxhall Road, however, was demolished and rebuilt in 2012 in its current location. There is another residential property named Resthaven located 25m west of the site access road close to Foxhall Road. To the north lies the site entrance off Foxhall Road, with agricultural fields beyond. To the south lies open agricultural fields. The general topography of the site slopes downhill to the south down towards Asheldham Brook, then rises beyond towards Southminster across open fields. The eastern site boundary is bordered by established hedgerows.

The site is currently used by the applicant as the base for a skip hire business which provides private hire of mini-skips. The site benefits from B8 use for the storage and distribution of skips and has recently been granted permission for a storage building from Maldon District Council. The plot in which the application site is located also houses a large industrial-style building utilised by Abaco Transport Ltd, a company that specialises in the transportation of mobile homes and static caravans. This is a separate business but shares the same site entrance onto Foxhall Road. There are a number of portable buildings and mobile homes currently stored on the site in relation to this. An area of the eastern boundary of the site is set aside for the storage of empty skips.

The site is not situated within any statutory sensitive or designated areas

3. PROPOSAL

The proposal seeks the handling, processing and sorting of up to 6,000 tonnes of recyclable inert waste (household and construction waste), utilising the recently approved open-front storage building, as well as a parking area and a 2.5 metre high acoustic barrier.

The process would involve the delivery and temporary storage of returning skips to be placed within the purpose-built building. The waste would mainly be hand sorted, with the utilisation of a mini-excavator for heavier items and placed into designated material-type 40 cu yard skips for further distribution. The entire sorting process would be carried out within the building only. It is proposed that no waste would be stored or placed on the ground and would only be transferred from one skip to another. It is anticipated that 60% of the waste would be sorted for recycling on-site and 40% would be taken to a specialist processor for further recycling.

No organic or putrescible waste is proposed to be accepted or handled on-site. Any soils or aggregates which may be generated from construction sites are proposed to be separated at user source into dedicated skips for each waste type and transported directly to either aggregate processors or soils processors for specialist recycling.

3no. 12x4 metre parking spaces are proposed for rigid skip lorries as well as 6no. car parking spaces and 9no. cycle parking rack, all along the western site boundary. Skips are proposed to be stored in a designated area along the eastern boundary.

It is anticipated that up to 12no. skips would be collected and sorted at the site per day, with 2no. skips per hour being processed at peak capacity. The site would use 2no. skip lorries which would leave the site in the morning, each with 6no. empty mini skips to be delivered to customers around the District.

As well as daily mini skip vehicle movements, a 40 cu yard skip delivery would be made to a larger recycling facility at a rate of 4no. bi-monthly deliveries (1no. movement every two weeks on average).

The acoustic barrier would be 2.5m in height and 60m in length along the eastern boundary.

Proposed hours of operation are between 0730hrs and 1800hrs Monday to Friday, 0800hrs and 1300hrs Saturdays, and no working on Sundays or Bank Holidays. 4no. fulltime on-site employees are proposed.

4. POLICIES

The following policies of the Essex and Southend-on-Sea Waste Local Plan (WLP) adopted July 2017 and the Maldon District Local Development Plan (MLDP) adopted July 2017 provide the development plan framework for this application. The following policies are of relevance to this application:

ESSEX AND SOUTHEND-ON-SEA WASTE LOCAL PLAN (WLP) 2017

Policy 1 – Need for Waste Management Facilities

Policy 4 – Areas of Search

Policy 5 – Enclosed Waste Facilities

Policy 6 – Open Waste Facilities

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

MALDON DISTRICT APPROVED LOCAL DEVELOPMENT PLAN 2014 – 2029 (MLDP) 2017

Policy S1 – Sustainable Development

Policy D1 – Design Quality and Built Environment

Policy E1 – Employment

Policy T1 – Sustainable Transport

Policy T2 – Accessibility

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

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

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

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

The level of consistency of the policies contained within the Maldon District Local Development Plan is considered further in the report.

5. CONSULTATIONS

Summarised as follows:

MALDON DISTRICT COUNCIL – No objection.

The main issues to be considered should be the principle of development, impact on the character and appearance of the area, impact to residential amenity and parking/highway safety.

Consultation with Environmental Health has raised concerns regarding the impact of noise on the nearest noise receptor, however no objection is raised. An environmental permit would be required from the Environment Agency and noise would be considered as part of the application process.

Additional comments regarding acoustic fence: – The documents show the fence would be 2.5 metres in height and 60 metres in length and therefore concern would be raised regarding the impact of the fence on the character and appearance of the countryside.

ENVIRONMENT AGENCY – No objection.

The applicant will require an environmental permit

Care needs to be given to the construction and design of the site for drainage. If there were spills or a fire, the gradient needs to be sufficient in conjunction with any bund/curbing to contain runoff.

HIGHWAY AUTHORITY – No objection.

The site already operates a skip hire business and the Transport Statement indicates that the proposal would only marginally increase the number of trips already generated by this land use. The additional vehicle trips capacity should not give rise to any capacity concerns on the local highway network and although some concerns have been raised locally regarding the proximity of the site access to the junction of Foxhall Road with Batts Road, this is located some 100 metres to

the east of the site access and would not give rise to any concerns from a highways viewpoint.

COUNTY COUNCIL NOISE CONSULTANT – No objection, subject to conditions. Any consent should require the installation of a barrier along the eastern site boundary. It is considered a 2.4m high barrier represents proportionate mitigation for the proposals and should be considered as the minimum required height. Barrier should be in accordance with guidance from BS5228 (mass per unit area to be at least 7kg/sqm; no gaps at the joints; no gaps at the base where it should touch the ground; no part of the noise source should be visible from Hazelville). The consent issued by Maldon District Council requires noise mitigation measures which are as yet unspecified.

Additional comments regarding acoustic fence:– The proposed acoustic fence is 2.5m high with a density of at least 10kg/sqm. The 'Environfence' details show that a tongue and groove construction would limit the potential for gaps between boards. Board lengths would be joined within the upright posts. A 'part buried gravel board' is also shown, ensuring no gaps with the ground at the fence base. The lateral extent of the barrier shown on the plans appears to block the line of sight from the new building and majority of working area to Hazelville. I therefore have no objections to the barrier proposals. The fence would require ongoing maintenance to ensure that its integrity is not compromised such as by future growth of the hedge plants/trees.

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection. Given that the site is already used for storage and light industrial use with a range of units, any additional visual impact arising from the proposed use is likely to be limited.

It is important to ensure that the proposed use does not extend any further south within the sider site and that any debris arising from the activity is contained within the area. It might be necessary to erect a fence across the site along the western part of the application boundary to assist. A fence with a height of 1.4/1.6 metres timber palisade to give a partial screen and act as a trap for any escaping debris might be sufficient.

Skip storage should be placed so that it does not have any impact on boundary hedgerows.

Additional comments regarding acoustic fence:– As the activity and possible damage to the hedge from the close proximity of fence uprights, concrete platforms, and hardstanding has commenced it is clearly not feasible to request that the fence be erected further into the site, unless the operator removes that work/structures which have been undertaken/erected. It is likely that the acoustic fence will not cause further damage (other than careful pruning) when erected and we entirely understand why it will be needed. It is therefore suggested that if the operation/use is approved then this addition can also be approved.

COUNTY COUNCIL URBAN DESIGN CONSULTANT – No objection.

SOUTHMINSTER PARISH COUNCIL – Objection.

Concerns of vehicle movements on a very busy road and also the location is close to a junction.

ASHELDHAM AND DENGIE PARISH COUNCIL – No comment to make.

LOCAL MEMBER – MALDON – SOUTHMINSTER – Any views received will be reported.

6. REPRESENTATIONS

26 properties were directly notified of the application. No letters of representation have been received.

7. APPRAISAL

The main issues to be considered are as follows:

- A. Principle of development and need;
- B. Impact to character and appearance of surrounding area;
- C. Impact to local amenity;
- D. Impact to highway network.

A PRINCIPLE OF DEVELOPMENT AND NEED

NPPF Paragraph 7 states, inter alia, that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*.

NPPF Paragraph 11 states, inter alia, that there should be a presumption in favour of sustainable development. This notion is also reflected in MLDP Policy S1 which states, inter alia, that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

As per WLP Policies 3 and 4, the proposed site does not fall within a Strategic Site Allocation or Area of Search. Paragraph 8.12 of the WLP states that:

“Locational criteria establish guiding principles for locating new waste development outside allocated sites or designated Areas of Search outlined in this Plan. As with the Areas of Search, locational criteria seek to provide greater flexibility to the waste industry to react to change and meet demand. They support the Plan-led approach to providing sustainable waste management opportunities to meet the identified future capacity needs in the Plan area.”

The proposal includes an open-faced operational building meaning the proposal would be part-open and part-enclosed, thus both WLP Policy 5 and 6 are relevant to the proposal. Both policies set out the locational criteria for enclosed and open waste facilities on unallocated sites or outside Areas of Search. It is stated in both policies that enclosed/open waste facilities would be permitted where:

- *“the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;*

- *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 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”.*

Paragraph 8.13 of the WLP states that proposals for waste management development on unallocated or non-designated sites would need to evidence

- *“that the proposals would need to deliver the capacity to provide for Essex and Southend-on-Sea’s waste management needs;*
- *That the site allocations and Areas of Search are not appropriate sites for the delivery and operation of the proposed facility, and/or are unavailable.”*

The vast majority of waste that would be processed at the site within this proposal would originate from within the District of Maldon. At present, there are no Site Allocations or Areas of Search within the District. The closest designated site is located in Sandon approximately 24km away. The existing operation takes the majority of filled skips to Cleanaway Waste Management in Basildon approximately 27km away. The proposal seeks to process up to 6,000 tonnes of waste per year; which is considered as a relatively small-scale operation. As the origin of waste would mostly be local, it is considered appropriate that a waste transfer station be located close to the source of waste in order to function as a sustainable development and in line with the proximity principle encouraged by the NPPW, as opposed to one of the Site Allocations or Areas of Search farther away.

From a land use perspective, the proposal represents a Sui Generis use. The proposed land benefits from a B8 Use Class allocation granted by Maldon District Council. MLDP Policy E1 identifies areas reserved for employment development of B1, B2, B8 and Sui Generis uses.

Whilst Maldon DC’s planning committee overturned the officer recommendation and planning permission was granted for the “Change of use of land from agriculture to B8 storage and distribution and construction of storage building” at the site, the officer report concluded:

“The proposed development is located on an area of undeveloped land and there is no policy consideration which would support the change of use in this locality. Furthermore, the development results in an unacceptable form of development into the countryside with no mitigation of harm proposed through sufficient screening or landscaping of the site. Additionally, due to noise the proposed development would impact upon the neighbouring amenity of ‘Hazelville’ to the east, to the detriment of the neighbouring occupiers. Therefore, the development is an unwelcome visual intrusion into the open and undeveloped countryside and the benefits of the proposal do not outweigh the harm to the character and appearance of the rural area or neighbouring occupiers.”

The proposal site is not designated as ‘employment land’ but does now benefit from a planning permission that allows a B8 use. MLDP Policy E1 however, states that “...the Council will support and encourage the development of better quality

and flexible local employment space to meet the employment target including live work accommodation in both urban and rural areas in accordance with other policies in the Plan. All new employment space should seek to meet the needs of local businesses and attract inward investment.” It is considered that the proposal would help meet the waste disposal needs of local businesses and, from a land use perspective, is acceptable in principle, subject to compliance with other development management policies within the MLDP and WLP.

B IMPACT TO CHARACTER AND APPEARANCE OF SURROUNDING AREA

WLP Policy 10(h) states that *“proposals for waste management development will be permitted where it can be demonstrated that the development would 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 site and surrounding area is largely characterised by storage and light industrial use with a range of industrial-style units to the west. Beyond the southern boundary there is an expansive area of open countryside heading towards Southminster. Given the existing character of the immediate area, it is considered that any visual impact that may arise from the proposal is likely to be negligible. The design of the proposed building is not considered to be out-of-place within the context of its neighbouring sites.

The County Council landscape consultant raises no objection to the proposal, stating that additional visual impact arising from the proposed use is likely to be limited. Similarly, Maldon District Council raise no objection to the proposal with regards to the design and visual appearance of the building and its operation.

The plot under the landowner's ownership extends further south beyond the red line boundary defined in this application. It is important to note that the proposed waste use and its associated activities must only take place within the defined red line boundary in order to prevent any potential extension of activity to the south. The County Council landscape consultant has suggested the erection of a fence across the southern boundary of the application site to act as a physical boundary and as a trap for any escaping debris. It is considered that the proposed activities could be restricted to the red line boundary and the sorting of waste from skips could be contained within the purpose-built building, all of which may be secured by condition.

The landscape consultant has also recommended that the eastern boundary hedge should be retained. This shall also be secured by condition, including a requirement for replacement planting if necessary.

Following consultation with the Council's noise consultant and the recommendations put forward in the submitted noise assessment, an acoustic barrier has subsequently been proposed along the eastern boundary in front of the existing hedge measuring 60m in length and 2.5m in height. The barrier would be constructed of horizontal timber panels. Maldon District Council raise concerns that the fence could impact on the character and appearance of the countryside. The Council's landscape consultant raises no objection to the fencing from a

landscape perspective. The occupants of the neighbouring residential property to the east (Hazelville) was also re-consulted regarding the erection of the fence but have made no comment.

On balance it is considered that, given the industrial backdrop of the site and surrounding area when viewing the site from the open countryside to the south, the visual impact of the fence would not have an unacceptable impact of the character and appearance of the countryside. The noise attenuation that the fence would provide is deemed to be necessary and would positively outweigh any perceived harm to the local area from a landscape character perspective.

C IMPACT TO LOCAL AMENITY

WLP Policy 10(a) states that *“proposals for waste management development will be permitted where it can be demonstrated that the development would not have an unacceptable impact...on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration)”*.

MLDP Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

Noise

The two residential receptors considered to be sensitive to potential impact from the proposal are Hazelville located 30m east of the site boundary and 60m east of the sorting area, and Resthaven located 25m to the west of the site access road on the northern side of the existing industrial-style building associated with Abaco Transport. Noise levels at both these receptors are likely to be influenced by the surrounding existing commercial uses and road traffic from Foxhall Road. It is considered that Hazelville would be most likely to experience any potential noise impacts from the proposed development.

The County Council noise consultant comments on the revised noise assessment supporting the application. The consultant states that the assessment suggests that the existing noise levels at the ground floor of Hazelville are approaching a level where an adverse impact may be expected (+5dB). However in terms of context, the report suggest that the predicted noise levels associated with the waste transfer activities and mitigation are lower than the existing situation therefore proposals should be viewed as an improvement in the acoustic conditions for the receptor. The consultant agrees with this interpretation however points out that the ‘mitigation’ required by the recent Maldon District Council consent has not been provided. With that said, it cannot be ruled out that the excess of rating level over background noise level may be slightly higher than shown in the noise assessment, however it is unlikely on balance that the excess would be more than 10dB which would result in a significant adverse impact.

Taking this into consideration, and following the recommendations made in the noise assessment, it is considered that securing noise mitigation through the provision of an acoustic barrier along the eastern boundary of the site would be appropriate and proportionate to the development and would likely result in noise

levels being lower than those currently experienced by residents of Hazelville given the existing approved use of skip storage and other industrial activities and vehicle movements associated with the site. The County Council noise consultant raises no objection to the proposal subject to such a barrier being installed.

Following the comments made by the Council's noise consultant, the applicant provided updated plans to include an acoustic barrier with the certain noise attenuation specifications laid out and recommended by the noise consultant. After re-consultation, no objection has been raised by the Council's noise consultant, subject to ongoing maintenance to ensure the integrity of the fence is not compromised by future growth of plants/trees.

Dust and Odour

With regards to dust and odour, the proposal includes the installation of a Micronfog misting and fogging system which forces pressurised water through nozzles to create a fine mist. Dust and odour particles and water droplets combine and fall out of the air. Hand-held hose pipes would also be used periodically if the need arises to control any potential dust. An existing 3000 litre catchment tank within the site boundary would collect any water runoff from within the processing building, which would be emptied by a licensed waste water recycling company. No putrescible waste is proposed to be handled or brought onto the site however, as mentioned previously, any such waste would be separated at the user source into dedicated skips and transported directly to the appropriate facility for specialist recycling.

Litter

In terms of the possibility of litter escaping the sorting area, the proposal includes a fabric mesh screen on a roller shutter installed at the top of the front opening of the building which would be lowered whilst sorting takes place and at the end of each working day. It is considered that this would control any lighter windborne waste such as paper blowing from the premises.

Lighting

No additional external lighting is proposed to be installed as part of the application. It is considered that the proposed operation would largely be controlled by daylight hours considering the proposed operational hours.

It is considered that any potential impacts to local amenity generated by the proposed development would be negligible. It is considered that, with the provision of noise mitigation, the development would actually result in an overall net improvement in the noise environment experienced by the nearby residential receptor. As such, the proposal is considered to conform with WLP Policy 10 and MLDP Policy D1.

D IMPACT TO HIGHWAY NETWORK

WLP Policy 12 states, inter alia, that proposals for waste management development would be permitted where it is demonstrated that the development

would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

MLDP Policy T1 alludes to sustainable transport for new development and, among other things, requires Transport Statements to have regard to the adopted Essex County Council development management policies.

MLDP Policy T2 states, inter alia, that development proposals should be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, as well as provide sufficient parking facilities with regard to the Council's adopted parking standards.

Southminster Parish Council raise an objection to the proposal due to concerns around vehicle movement on a very busy road as well as the location being close to a junction.

Foxhall Road is a largely straight road running east to west and is regularly used by farm vehicles and other heavy vehicles associated with the surrounding agricultural uses in the wider area. Visibility from the site entrance is considered to be good when looking in both directions. There is no junction near to the site entrance except for a T-junction with Batt's Road approximately 130m to the east. It is not considered that entering and exiting the proposal site would have any cumulative impact on the safety or capacity of the highway network in combination with vehicles exiting Batt's Road. The existing skip hire operation that has permission at the site currently operates with vehicles entering and exiting the site on a regular basis. The capacity and change to vehicle movement numbers and distances is considered below.

The application is supported by a Transport Statement. At present, the site operates as a skip hire and storage facility. There is currently one fulltime and two part-time staff which average four car journeys per day from the local area (two in and two out). The proposal would result in four fulltime staff whilst car sharing and cycling would be encouraged. The application predicts that, with the provision of car sharing and cycling, car journeys would remain at four per day (two in and two out). Assuming the worst case scenario that all staff would drive to work, this would result in eight journeys per day (four in and four out). This is considered to be a negligible rise and would not impact the safety or capacity of the local highway network.

In terms of daily skip vehicle movements, the current operation averages two lorries leaving the site in the morning with six empty skips each to be delivered to customers throughout the district, resulting in four vehicle movements (two in and two out). Daily collections are stated to be nine collections per day carried out by the two lorries. At present, filled skips are then taken to the closest waste transfer station which is located in Basildon approximately 28km away. This results in a daily travel distance of 252km (28km x 9 trips).

The proposal would allow filled skips to be taken back and sorted onsite. This would mean that vehicles would not have to go to and from the nearest waste transfer station in Basildon approximately 27km away and would allow twelve

collections to take place instead of nine, thus improving operational efficiency. The Transport Statement averages journey distances from collections within the district to the application site to be approximately 10km. Taking this into consideration, the daily travel distance for skip lorries would be significantly reduced from 252km to 120km (10km x 12 trips).

The bi-monthly collection of the bulk 40cu yd skip to be transported to recycling receptors would result in 48 journeys annually, resulting in an approximately annual distance of 542km (using the current site contracted location of Green Recycling Ltd, Maldon).

It is considered that the proposal would result in a 33% increase in skip collections thus improving the efficiency of the waste transfer operation whilst also reducing the distance needed to travel by skip vehicles by 132km daily. Taking all required trips into consideration, the total travel distance would be reduced from 70,686km to 55,010km per year (22% decrease) whilst allowing an increased staffing level of 100% and an increased number of skips handled by 33%. From a highway perspective, this is considered to be a net benefit and would improve the safety and capacity of the highway network overall.

The Highway Authority raise no objection to the proposal, stating that the additional vehicle trips would not give rise to any capacity concerns on the local highway network. With specific regard to the concerns raised in the Parish Council objection, the Highway Authority state that the proximity of the site access to the junction with Foxhall Road and Batts Road is located some 100 metres away and would therefore not give rise to any concerns from a highways viewpoint.

In terms of parking, a total of three 12x4m parking spaces are proposed for the overnight parking of three rigid skip lorries, in line with the Maldon District Vehicle Parking Standards 2019 minimum bay dimensions for rigid lorries. A total of six car parking spaces and nine bicycle parking spaces have been proposed. The Maldon Vehicle Parking Standards advise on one car parking space for every 100sqm of floor space. The total floor space of the processing building is 188sqm which would require a total of two car parking spaces. If taking into consideration the entire site area, a total of 22 parking spaces would be needed. It is considered that these amounts would be disproportionate to the proposal and the six spaces that are proposed would be appropriate for the number of staff and any potential visitors to the site.

It is considered that the proposal is acceptable from a parking and highway safety perspective and conforms with WLP Policy 12 and MLDP Policy T1 and T2.

8. CONCLUSION

The proposal is for the provision of a waste transfer facility to sort and process up to 6,000 tonnes of waste per annum as well as the provision of vehicle parking.

The proposal is considered to be acceptable from a landscape and visual perspective and any potential impacts to local amenity are considered to be non-detrimental when appropriate mitigation is provided. In terms of highway safety and capacity, it is considered that the proposal would improve the overall capacity

of the highway network and would result in a net reduction in total travel distance compared with the existing situation.

As such, it is considered that the proposal conforms with WLP Policies 1, 4, 5, 6, 10, 11 and 12 and MLDP Policies S1, E1, D1, T1 and T2.

9. RECOMMENDED

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 28 September 2020 together with the following documents:

- Drawing No. 1185/02 Rev A, dated 20 January 2021;
- Drawing No. 1185/01, dated September 2020;
- Drawing No. 1185/03, dated September 2020;
- Drawing No. TCTC-17971-PL-03, dated January 2021;
- Drawing No. J7/01166, dated 19 March 2018.

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies E1, D1, T1 and T2.*

- 3 The development hereby permitted shall not be carried out unless during the following times:

0730 hours to 1800 hours Monday to Friday;
0800 hours to 1300 hours Saturdays;

and at no other times, including Sundays, Bank or Public Holidays.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP Policies 5, 6, 10, 11 and 12 and MLDP Policies D1, T1 and T2.*

- 4 The throughput of waste from the site shall not exceed 6,000 tonnes per annum.

Reason: *To minimise the harm to the environment and to comply with WLP Policies 5, 6, 10 and 11 and MLDP Policies S1 and D1.*

- 5 From the date of this permission the operators shall maintain records of their quarterly throughput and shall make them available to the Waste Planning Authority within 14 days, upon request.

Reason: *To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with WLP Policies 10 and 11 and MLDP Policies S1, E1 and D1.*

- 6 All vehicular access and egress to and from the site shall be from Foxhall Road, as indicated on drawing ref. 1185/02 Rev A dated 20 January 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 Policies 10 and 12 and MLDP Policies T1 and T2.*

- 7 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 Policies 10 and 12 and MLDP Policies T1 and T2.*

- 8 The Rating Noise Level at the ground floor of the noise sensitive property 'Hazelville' shall not exceed 49 dB LAr 1hr. Measurements shall be made no closer than 3.5m from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

- 9 The acoustic fencing shall be maintained in accordance with Drawing No. 1185/02 Rev A, dated 20 January 2021, Drawing No. J7/0116, dated 19 March 2018 and Document Ref: JSW 01 Issue 02 titled '12k Envirofence' for the lifetime of the development hereby permitted.

Reason: *In the interests of amenity and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

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

Reason: *To minimise the nuisance and disturbances to neighbours and to comply with WLP Policy 10 and MLDP Policy D1.*

- 11 No retained trees or hedgerows shall be cut down, uprooted or destroyed, nor shall any retained trees branches, stems or roots be pruned.

Reason: *In the interest of the amenity of the local area and to comply with WLP Policy 10 and MLDP Policies S1 and D1.*

- 12 The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.28 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with WLP Policy 10 and MLDP Policy D1.*

- 13 The development hereby permitted shall be carried out in accordance with the details listed in paragraph 4.31 of the Planning Statement submitted with the application, ref: 1185 PPS/01.

Reason: *To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding and to comply with WLP Policies 10 and 11 and MLDP Policies S1 and D1.*

- 14 No waste other than those waste materials defined in the application details 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 Policies 1, 5, 6, 10, 11 and 12 and MLDP Policies S1, E1, D1, T1 and T2.*

- 15 Waste brought onto the site shall be deposited and handled within the approved building.

Reason: *To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

- 16 No deposition, storage, processing, handling or transfer of waste shall take place at the site outside of the approved area defined on drawing ref 1185/02 Rev A dated 20 January 2021.

Reason: *To ensure controlled waste operations and the containment of waste materials in compliance with WLP Policies 1, 5, 6 and 10 and MLDP Policies E1 and D1.*

Informatives

Should the applicant engage with the Maldon District Environmental Health Officer with regards to a further noise attenuation scheme required under permission 20/00459/FUL Essex County Council would welcome the opportunity to review this scheme.

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would not be located within distance 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.

EQUALITIES IMPACT ASSESSMENT

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

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

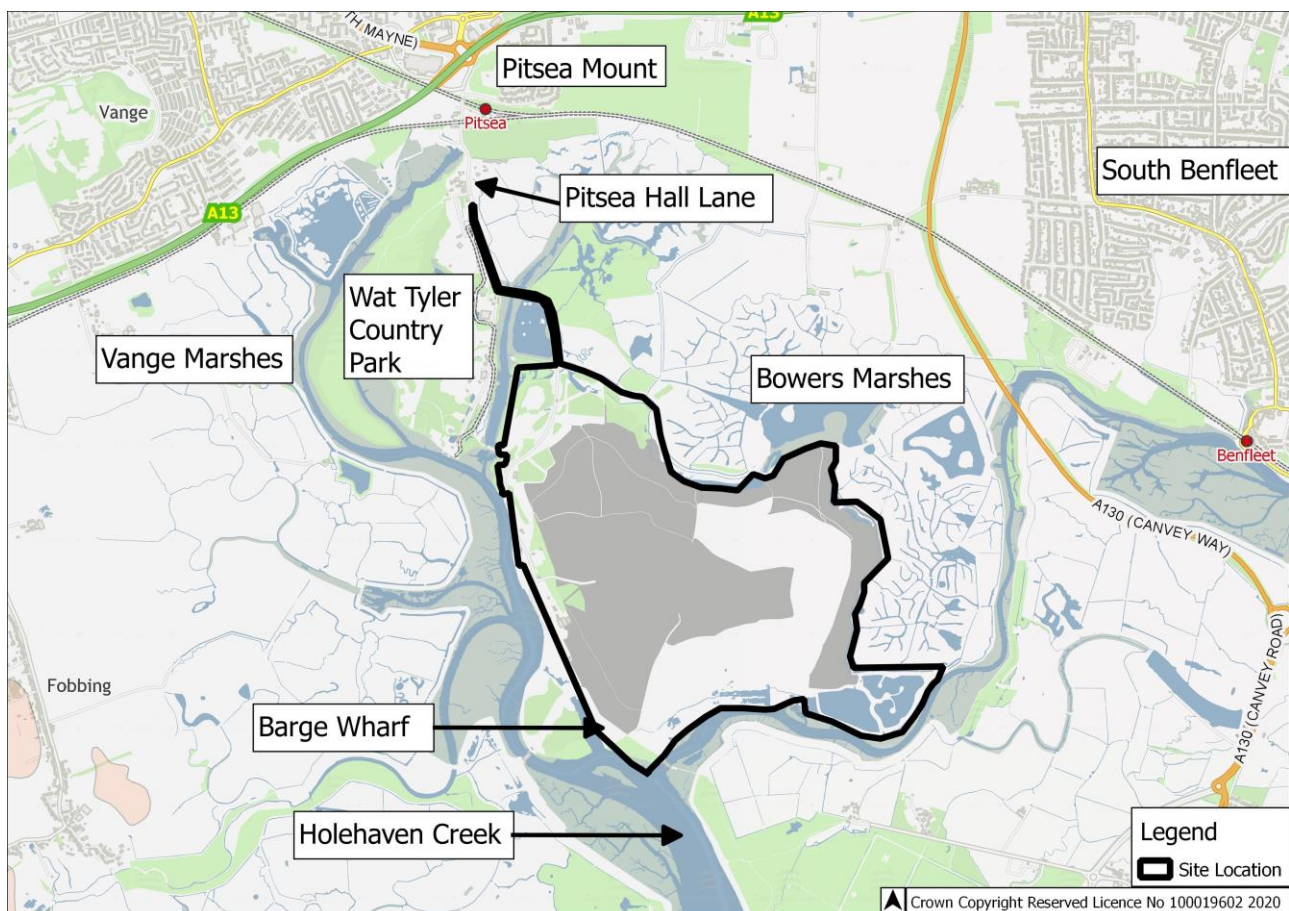
In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent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

LOCAL MEMBER NOTIFICATION

Maldon – Southminster

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

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

Ref: ESS/49/14/BAS**Applicant:** Veolia ES Landfill Ltd**Location:** Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>

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1. BACKGROUND

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

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

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

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

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

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

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

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

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

2. SITE

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

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

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife.

The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

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

The majority of existing buildings within the site are located alongside this road. These include the weighbridge office/gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility (permitted until 2023), storage buildings, leachate treatment facility, generator compound producing electricity from landfill gas, workshops and associated fixed plant. There is also an inert recycling facility that screens inert materials to be provide materials for capping and restoration (permitted until 2023).

3. PROPOSAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. POLICIES

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

ESSEX AND SOUTHEND WASTE LOCAL PLAN (WLP) 2017

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

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

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

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

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

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

NEIGHBOURHOOD PLAN

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

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

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

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

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

may be given).

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

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

5. CONSULTATIONS

Summarised below are the responses to revised changes only:

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

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

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

THURROCK COUNCIL: No comments received

CASTLE POINT BOROUGH COUNCIL: No comments received

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

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

RSPB: No comments received

PORT OF LONDON AUTHORITY: No comments received

NETWORK RAIL: No comments received

HIGHWAY AUTHORITY: No comments received

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

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

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

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

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

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

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

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

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

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

to the junction with Station Approach.

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

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

CANVEY ISLAND TOWN COUNCIL: No objection

BOWERS GIFFORD & NORTHBENFLEET PARISH COUNCIL: No comments received

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

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

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

6. REPRESENTATIONS

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

7. APPRAISAL

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

The main issues for consideration are as follows:

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

A NEED & WASTE POLICY CONSIDERATIONS

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

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

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

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

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

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

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

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

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

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

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

B BASILDON LOCAL PLAN POLICIES

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

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

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

C GREEN BELT

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

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

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

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

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

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

D ECOLOGICAL IMPACTS

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

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

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

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

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

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

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

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

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

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

E TRAFFIC & HIGHWAYS

There would be no additional traffic movements arising from the extended

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

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

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

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

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

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

obligation in a legal agreement.

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

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

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

They must be:

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

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

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

F LANDSCAPE AND VISUAL IMPACT

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

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

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

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

G NOISE, DUST & AIR QUALITY

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

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

I CULTURAL HERITAGE

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

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

8. CONCLUSION

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

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

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

It is considered subject to planning conditions and legal obligations, to minimise the impacts over the extended period and to secure the delivery of the restoration scheme and the public open space, the proposals are in accordance with NPPF, NNPW and WLP policies 9, 10, 11, and 12 and BDLP policies BAS GB1 (Green Belt), BAS C1 (Protected Areas), BAS C2 (Country Parks) and BAS C7 (The Marshes Area) and is considered to be in conformity with the development plan as a whole.

9. **RECOMMENDED**

That planning permission be **granted** subject to

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

purposes

- Provision for release of the site for informal recreation uses and to enhance biodiversity upon completion of restoration and aftercare to give permissive public rights of access. The routes of permissive paths to be submitted for approval prior to first public access.
- Management of the site for informal public recreation and to enhanced biodiversity for 150 years starting from first public access.
- Management of the site by Veolia with advice from consultancy or organisation with experience of management of sites for informal public recreation and to enhance biodiversity.
- In the event that management is passed to an Environmental Body, the Environmental Body to be approved by ECC.
- To retain the site offices, for use by staff in the management of the site for informal recreation and biodiversity purposes and to provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access (if safe to do so by the existing bridge) to Wat Tyler Country Park via the Old Redland Road.
- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.
- The removal and eradication of the willow coppice on both the temporary and permanent areas of short rotation coppice, obtaining any necessary planning permissions, permits and licences to achieve such.
- Upon completion of the restoration, to review 5 yearly the need for the leachate lagoons and open leachate channel around the site with the aim to remove and restore the leachate lagoons and leachate channels or enclose the leachate channel as soon as practicable. In any event the removal and restoration of the raised leachate lagoon, not later than 31 September 2035, obtaining any necessary planning permissions, environmental permits or licences.
- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
- No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
- The total number of all HGV movements in relation to all waste management activities at the site Monday to Saturday shall not exceed 1100 movements

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

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

ii. And conditions as set out below

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

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

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

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

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

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

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

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

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

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

BACKGROUND PAPERS

Consultation replies
Representations

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

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

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

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

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

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

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

EQUALITIES IMPACT ASSESSMENT

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

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

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

LOCAL MEMBER NOTIFICATION

BASILDON - Pitsea

BASILDON - Westley Heights

CASTLE POINT - Canvey Island West

DR/03/21**Report to:** DEVELOPMENT & REGULATION (26 February 2021)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

MAJOR PLANNING APPLICATIONS	SCHEDULE
Nº. Pending at the end of December	35
Nº. Decisions issued in January	6
Nº. Decisions issued this financial year	32
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	100%
Nº. Delegated Decisions issued in January	6
Nº. applications where Section 106 Agreements pending at the end of January	7

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of December	8
Nº. Decisions issued in January	3
Nº. Decisions issued this financial year	33
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in January	3

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in January	9
Nº. Committee determined applications issued in January	0
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	154
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of January	83
Nº. of referrals to Secretary of State under delegated powers in January	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of January	0
Nº. of appeals allowed in the financial year	0
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of last quarter	33
Nº. of cases cleared last quarter	20
Nº. of enforcement notices issued in January	1
Nº. of breach of condition notices issued in January	0
Nº. of planning contravention notices issued in January	0
Nº. of Temporary Stop Notices issued in January	0
Nº. of Stop Notices issued in January	0