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# **Report to Essex County Council and Southend-on-Sea Borough Council**

**by Mrs KA Ellison, BA, MPhil, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date**

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Planning and Compulsory Purchase Act 2004

(as amended)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE ESSEX COUNTY COUNCIL AND SOUTHEND-ON-SEA BOROUGH COUNCIL**

### **REPLACEMENT WASTE LOCAL PLAN**

Document submitted for examination on 10 June 2016

Examination hearings held between 27 September and 7 October 2016

File Ref: PINS/Z1585/429/5

## Abbreviations Used in this Report

AA	Appropriate Assessment
CDE	Construction, demolition and excavation waste
CHP	Combined Heat and Power
DtC	Duty to Co-operate
ECC	Essex County Council
EoEWTAB	East of England Waste Technical Advisory Body
FPC	Further Proposed Change
HRA	Habitats Regulation Assessment
IWMF	Integrated waste management facility
LACW	Local Authority Collected Waste
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework (NPPF)
NPPW	National Planning Policy for Waste
PROW	Public Rights of Way
RWLP	Essex and Southend-on-Sea Replacement Waste Local Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SoS	Southend-on-Sea Borough Council
SSSI	Site of Special Scientific Interest
tpa	tonnes per annum
WDI	Waste Data Interrogator
WPA	Waste Planning Authority

## **Non-Technical Summary**

This report concludes that the Essex and Southend-on-Sea Replacement Waste Local Plan provides an appropriate basis for waste planning within the two administrative areas, provided that a number of main modifications [MMs] are made to it. The Councils have specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Councils and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Updating the figures on the waste capacity gap and clarifying the policy on net self-sufficiency;
- The deletion of one strategic allocation and the inclusion of another, together with updates to the details of several sites;
- Ensuring the effectiveness of policies concerning Areas of Search, Waste Consultation Areas, Locational Criteria and Development Management.

## Introduction

1. This report contains my assessment of the Essex and Southend on Sea Replacement Waste Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the waste planning authorities have submitted what they consider to be a sound plan. The basis for my examination is the Essex and Southend-on-Sea Replacement Waste Local Plan: Pre-Submission Draft, which is the document that was published for consultation in March 2016.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Councils requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Councils prepared a schedule of proposed MMs and this schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and, in this light, I have made some amendments to the detailed wording of the main modifications. In addition, it became clear that there was a need to correct the figure for the total of inert waste recycling capacity which was to be allocated through the Plan, as set out in the 'Waste Challenge at a Glance' section. These amendments and corrections do not significantly alter the content of the modifications as published for consultation, nor do they undermine the participatory processes and Sustainability Appraisal (SA) that has been undertaken. Where necessary, I have highlighted these amendments in the report.

## Policies Map

5. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the Submission Policies Map June 2016 (CD 3) and the plans within Appendices B and E of the Pre-Submission Draft, which set out the development principles for the allocated sites and the areas of search (CD 1B, 1E & 1F).
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it.

However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. These further changes to the policies map were published for consultation alongside the MMs (MC-1).

7. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the RWLP and the further changes published alongside the MMs.

## **Assessment of Duty to Co-operate**

8. Section s20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
9. The key cross-boundary issues for the RWLP include the movement of waste across administrative borders and the need for and location of new waste capacity in the Plan area. Engagement with relevant bodies has taken place during the Plan-making process, such as that undertaken in 2012 and 2014 with neighbouring Waste Planning Authorities (WPA). This concerned cross-boundary waste movements and was in line with arrangements agreed with the East of England Waste Technical Advisory Body (EoEWTAB). At the time of the hearings, a Memorandum of Understanding was being prepared with the North London Planning Authorities. The Councils have also taken part in separate discussions concerning nuclear waste movements.
10. The regular meetings of the Essex Planning Officer Association (Policy Forum) have provided opportunities for engagement with District, Borough and City Authorities within the Plan area. During the preparation of the Plan, regard was had to the existing local planning context, with meetings taking place with individual authorities. One Authority (Basildon) pointed to the limited level of engagement at the level of elected members. However, it is clear that the issues of particular concern within that Borough as to the geographical distribution of waste management facilities in the Plan area and the implications of recently approved facilities for the locality in which they are situated have been properly considered, even if areas of disagreement remain. The strength of these concerns underlines the value of continuing, effective collaboration at all levels and I am satisfied that the WPAs have demonstrated an acceptable overall level of engagement as part of the plan-making process.
11. I conclude that the WPAs have worked collaboratively with other authorities and bodies and have co-operated effectively through a continuous period of engagement. They have fulfilled the duty to co-operate with regard to the Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan.

## Assessment of Soundness

### Preamble

12. The RWLP provides the key principles and policies to guide the future management of waste in the Plan area up until 2032. Preparation took place from 2009 to 2011 and then, after a two year pause, recommenced in 2013. The Plan contains the spatial vision, strategic objectives, spatial strategy, allocations, development management policies and a monitoring framework.
13. The Plan area comprises the administrative area of Essex County Council, where the two-tier administrative system includes 12 Councils, as well as the unitary authority of Southend-on-Sea Borough Council. It is an area which is expected to see considerable growth not only in housing but also through major infrastructure projects. The Metropolitan Green Belt covers most of the districts of Epping, Brentwood, Basildon and Rochford as well as parts of Chelmsford City, Castle Point, Harlow, Uttlesford and Southend-on-Sea. In addition, there are 17 European sites (Special Protection Areas and Special Areas for Conservation), fourteen other international sites (Ramsars) and 85 Sites of Special Scientific Interest (SSSI).

### Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified five main issues upon which the soundness of the Plan depends.

#### **Issue 1 – Whether the Plan has been positively prepared and is justified, effective and consistent with national policy.**

15. The Plan has been positively prepared in that it is based on a strategy which seeks to meet objectively assessed requirements, as summarised in the section '*The Waste Challenge – at a glance*' (RWLP paragraphs 4.21-4.23). This sets out the types and quantities of waste expected to arise during the Plan period not only within the Plan area but also in terms of cross-boundary movements, the most significant of which are with London. In the period since the Pre-Submission Draft was published, further data has become available from the North London Waste Planning Authorities which indicates that Essex is likely to be relied upon to accept a greater quantity of waste than had previously been expected. Whilst the assessment assumes that recent patterns of waste flows will continue, it also takes into account the projected continued fall in the level of waste to be exported. Given the extent of cross-boundary movement and the expectation in NPPW that plans should be based on the best available data, the summary set out in paragraphs 4.21-4.23 should be revised to incorporate the most recent information and to ensure consistency with the evidence base.
16. Prior to publication of the main modifications, the Councils had confirmed that the total allocated capacity for inert waste recycling within the Plan was 490,000tpa. Due to an error in the data for one of the sites (Sandon), this was later altered to 640,000tpa and that higher figure was used during the consultation on the proposed main modifications. The Councils have since confirmed that the correct figure should be 490,000tpa. Since this is a matter of fact, I have included the correct figure in the modification (**MM1**).

17. For the most part, this update leads to relatively modest adjustments in the data, with the notable exception of the gap for the management of inert waste, which increases from 2.58mt to 7.05mt. In line with the waste hierarchy, it is assumed that maximum use will be made of recycling facilities, so that only the remaining inert waste would be sent to landfill. Through the Areas of Search in policy 4 and the development management criteria in policies 5 and 6, the Plan makes provision for new recycling facilities to be brought forward. Policy 9 would allow for additional disposal facilities to be considered, subject to various criteria, including consideration against the waste hierarchy. Thus, whilst the updated information indicates that the capacity gap for the management of inert waste is greater than originally assessed, it does not necessarily follow that further sites for landfill should be allocated. The underlying strategy of the Plan is sound and its focus should continue to be on driving waste up the hierarchy, giving preference to recycling rather than disposal.
18. Although the data also indicates a likely shortfall in capacity for the management of biological waste, this is not expected to persist beyond about 2023, when the Rivenhall facility is projected to come into operation (CED 2 Table 4). My attention was also drawn to the possibility of a Combined Heat and Power facility as part of any proposal for a Dunton Garden Suburb. Whilst this could make a valuable contribution to the overall sustainability of such a development, should it come to fruition, it was clear from the discussion at the hearing that considerable uncertainty remains as to the timing for such a facility and the extent to which it would take waste as a fuel. At this stage, such a project has not been shown to be deliverable, nor are there any reliable arrangements in place to indicate the scale of its contribution to the management of waste. On that basis, I consider that there is insufficient justification for the inclusion of a further allocation for waste management by way of CHP in the RWLP.
19. Significant population and household growth is expected within the Plan area. However, it is both reasonable and consistent with the policy aim of driving waste up the hierarchy for the WPAs to work on the basis that a range of non land-use measures will first be taken to encourage waste minimisation and recycling amongst the residential population. As a result, such growth would not necessarily lead to an increased need for sites for the management of LACW, especially if there is scope for more efficient use of existing sites.
20. The Plan looks to support the recovery of value from waste, in line with the vision of achieving a circular economy. In the allocation of sites, it gives greater priority to the treatment of waste, thus supporting the movement of waste up the hierarchy. Flexibility is to be afforded through Areas of Search (Policy 4) as well as the criteria-based locational policies (Policies 5, 6 and 9). The RWLP seeks to direct new waste development towards the key urban centres, encourages co-location and sets out safeguards for existing sites. Subject to these and other modifications identified in this report, the plan would satisfy the requirements to be positively prepared, justified, effective and consistent with national policy as set out at NPPF paragraph 182.
21. In keeping with NPPW, the Plan is based on the principle of net self-sufficiency where practicable. Whilst this can be applied to the main waste streams, it should be made clear in the Plan that the amount of hazardous and radioactive

wastes generated from within the Plan area mean that such an approach is not practicable for these streams (**MM2**).

22. Sustainability appraisal took place with each iteration of the RWLP, including a review of alternatives, especially in the light of the change in emphasis from regional to local assessments of need, which gave rise to a need for greater flexibility. The Sustainability Appraisal has considered reasonable alternatives and provides clear evidence that the strategy in the Plan is appropriate.
23. The Habitats Regulations Assessment Screening Report (SD-13 and Addendum MC-6) notes that, given the degree of uncertainty as to matters such as timing, scale and type of facility, detailed assessment will have to be undertaken at the planning application stage. However, it concludes that any indirect effects on European sites could be mitigated, provided appropriate protection measures were put in place. In the period since the screening report was prepared, the Wealden judgement ([2017] EWHC 351 (Admin)) has been published. This may well be a factor in the project-specific assessment for the Morses Lane site, where the access road passes within 200m of the Colne Estuary SPA/Ramsar site. Nonetheless, at this stage it is reasonable to conclude that delivery of the allocations in the RWLP could be achieved within the requirements of the Regulations, including in relation to the Strategic Sites and the identified Areas of Search.
24. Having regard to the above, and subject to the main modifications discussed in the remainder of this report, I am satisfied that the Plan has been positively prepared and is justified, effective and consistent with national policy.

## **Issue 2 – Whether the RWLP's strategic objectives are realistic and can be seen to shape the form of the Plan**

25. Reflecting the waste hierarchy, the Plan's strategic objectives include support for waste prevention, re-use, recycling and recovery. Policy 1 sets out the level of need to be planned for. As discussed at the hearing sessions, further information was provided by the North London Waste Planning Authorities. In addition, the Plan should take into account the planning permission for the Rivenhall scheme (February 2016). There is also a lack of clarity in the use of the term 'other waste' within the policy. These matters should be addressed in the interests of the effectiveness of the RWLP (**MM3**).
26. Through Policy 2, the RWLP seeks to provide a mechanism for the consideration of proposed non-waste development on existing and allocated waste management sites, in line with Planning Practice Guidance (ID28-010-20141016). The supporting text explains how the waste consultation zones would be defined and how the policy would be applied. Given the evidence as to the potential for odour issues around Water Recycling Centres, the consultation zone for those facilities should be extended, which would also reflect the advice of the operator. To provide a greater level of certainty, the text should clarify how the policy will apply to small-scale, non-specialist facilities. Within the policy, the final clause should be reworded in the interests of positive planning (**MM4**). In order to be effective, greater clarity is needed in the associated table (Table 21) and the introductory wording to Appendix C concerning those forms of development where consultation is expected, including temporary uses (**MM24** and **MM25**).



27. Subject to these modifications, the RWLP's strategic objectives have been shown to be realistic and to shape the form of the Plan.

### **Issue 3 – Whether the Plan makes adequate provision for new waste management capacity with particular reference to type, location and timing**

#### Strategic allocations

28. Policy 1, as modified, identifies the level of need within the Plan area up to 2032. The WPAs advise that, even though they have sought to make maximum use of suitable sites, some gaps will remain. The most recent information indicates a shortfall in biological treatment capacity until 2024 and for landfill during 2017-18 and again after 2026 (CED 2, Appendix 3). Whilst the Areas of Search policy creates opportunities for further waste treatment capacity to be brought forward as required, scope for landfill facilities is much more limited.
29. The site identification and assessment methodology which underpins policy 3 was based on five stages. The exclusionary criteria identified in stage 1 are not only pragmatic but are also consistent with relevant national policy on flood risk and the protection of natural and historic heritage. According to the methodology, the criteria in Stage 2 (location in the Green Belt and traffic and transportation issues) were not intended to be exclusionary. The approach was designed to make it clear that the WPAs have looked first for suitable sites outside the Green Belt (NPPW paragraph 6). Nonetheless, none of the proposed sites that were within the Green Belt passed this stage, irrespective of the range of uses proposed.
30. NPPF makes clear that the fundamental aim of Green Belt policy includes to keep land permanently open and that the purposes of Green Belt include to assist in safeguarding the countryside from encroachment (paragraphs 79-80). At the same time, NPPW acknowledges that some types of waste management facilities may have particular locational needs. Within the site assessments (SD16) the same score has been assigned to all proposals within the Green Belt. The process has not sought to weigh up the degree of conflict with Green Belt policy against the merits of an individual site for waste management purposes. To my mind, this indicates that this stage did not fully recognise the need, as part of the plan-making process, to reach a preliminary view as to the relative merits of potential sites and possible uses within the Green Belt. As the WPAs point out, proposals on non-allocated sites could still be assessed under the locational and development management policies. However, it is for the Local Plan to provide guidance for future development management decisions. Although a conclusion on whether a proposal satisfies the test of very special circumstances can only be reached at the time a planning application is determined, it is for this Plan to indicate the value of a site's contribution towards any identified gap in capacity.
31. A number of potential waste sites in the Green Belt included proposals which would have involved substantial built elements. Since these would have affected openness or been in conflict with the purposes of the Green Belt, I see no reason to disagree with the scores assigned by those assessments. However, the proposal for a time limited landfill operation at **Dollymans**

**Farm** (L(i)16) would serve to limit any impact on openness and mitigate any conflict with the purposes of the Green Belt. I recognise that, despite having served as a borrow pit, the site does not meet the definition of previously developed land, which is preferred in the site assessment process. However, the Landscape and Visual Appraisal notes that this site has been left at the extracted base levels and that the sculpted landform, steep sided slopes and engineered profile contrast with the gentler rolling profiles of adjacent farmland. Thus, the condition of this site and its potential to improve landscape quality, together with its proximity to areas of growth, indicate that there are other considerations which could be weighed in the balance, when identifying sites to address the capacity gap. Whilst any proposal would still need to be considered on its individual merits, including whether it could satisfy local policies for the management of development in the Green Belt, there is sufficient evidence at this stage to justify the allocation of this site, in order to identify its potential contribution to the management of waste and thus guide future decision-making.

32. As a reflection of arrangements in place at the time the Plan was in preparation, the policy allocates a site at **Wivenhoe** Quarry for inert waste recycling. This was intended to support continued restoration of Wivenhoe, along with a neighbouring site for inert landfill on land at **Sunnymead, Elmstead and Heath Farms**. The operator advises that the advanced state of the restoration at Wivenhoe means that there is now limited justification for the recycling of inert waste at that site in the longer term. If future recycling is to be associated with the restoration of the Sunnymead, Elmstead and Heath Farms site, the opportunity should be taken for it to be more closely related to that site, provided it can be shown that the impact of such development on the surrounding area could be mitigated to an acceptable degree. In order for the Plan to be effective, a strategic allocation should provide a realistic framework to guide the decision-maker. Consequently, that part of the policy which lists sites for inert waste recycling should be altered by the removal of Wivenhoe and the insertion of Sunnymead, Elmstead and Heath Farms.
33. One final matter with this policy concerns the name of the site for biological waste management at Basildon, which should be amended to refer to a Water Recycling Centre.
34. These modifications to policy 3 are covered within **MM5**.

#### Areas of Search

35. The Areas of Search are those existing employment areas which are considered to be suitable in principle for waste management. This is a useful mechanism to create flexibility within the RWLP whilst at the same time encouraging waste management uses within sustainable locations and supporting the movement of waste up the hierarchy. The locations are those with established industrial uses, some of which already contain waste management facilities. The land use planning regime, in conjunction with the pollution control regime, allows the potential impacts of proposals to be properly managed. As such, there is no reason to expect that the prospect of new waste management facilities in these locations would detract from the quality of a locality or deter investment by others.

36. The Areas of Search are based on designations in local plans prepared by other Authorities within the RWLP area. In the interests of effectiveness, it is necessary at paragraph 8.10 to explain how policy 4 could be affected by any future changes arising as a result of the plan-making activity of the other LPAs in the Plan area (**MM6**). Also there is a lack of clarity within the policy itself as to the relationship with policy 10, which deals with general development management considerations. This should be set out, in order to ensure that the policy will be effective. The **Oakwood and Crusader Business Park, Tendring** should be removed from the list of Areas of Search, since evidence was provided to show that it no longer satisfies the selection criteria (**MM7**). The associated Map 51 in Appendix E should also be removed (**MM26**).

#### Spatial distribution

37. The strategic sites and areas of search have been identified in the light of the estimated need for new capacity and after a process which included consideration of alternative spatial strategies and an assessment of the suitability of sites identified through the plan-preparation process. Whilst the distribution across the Plan area is not uniform, it is well-related to the main centres of population, the road network and the growth corridors. I find no basis, therefore, for any lack of soundness in the Plan with regard to the spatial distribution of sites, either in relation to an over-concentration in some areas or a shortage of sites in others.
38. I am satisfied, therefore, that the Plan makes adequate provision for new waste management capacity.

#### **Issue 4 – Whether the plan provides an appropriate decision making framework for the assessment of proposals for waste management facilities**

The criteria-based policies (Policies 5, 6 and 9)

39. These three policies follow a similar approach and deal, respectively, with proposals for enclosed or open waste management facilities and waste disposal. To ensure effectiveness, it should be made clear that these policies apply to sites not allocated in the RWLP and that there will be an expectation that any proposal should be able to show that those allocations or the Areas of Search would be unsuitable or unavailable. To be consistent with the principle of net self-sufficiency, proposals should be expected to demonstrate that at least some proportion of the need for the facility arises from within the plan area. The wording of the final clause should be revised in the interests of positive planning (**MM8, 9, 11**).

#### Radioactive Waste

40. The nuclear power station at Bradwell-on-Sea is in the process of being decommissioned. To ensure the effectiveness of Policy 7, the title should be corrected and it should be clear that management of the waste will be supported (**MM10**).

## Development management

41. Amongst the criteria for the assessment of waste management proposals in Policy 10 is a requirement to assess any impact on the Public Rights of Way network (PROW). To aid effectiveness, the supporting text at paragraph 9.33 should emphasise the scope to enhance or upgrade the PROW network as part of any restoration scheme and state the expectation that there should be no deterioration in quality (**MM12**). With regard to water, criterion (b) should be worded to make clear that relevant considerations consist of preventing deterioration, achievement of 'good' status and effect on quantity of water. It should also be clear from the wording of the policy that the WPAs will seek enhancements, where practicable. This modification, in the form published, did not clearly distinguish between water quality and quantity. This could be achieved through a minor change in the format and wording of this clause, a change which has the support of the Authorities. The policy should also set out those aspects where enhancements would be sought (**MM13**)
42. Although Policy 12 sets out a hierarchy of preferences, it makes no provision for those circumstances where access to the main road network may not be feasible. Such provision was made in earlier iterations of the RWLP. To ensure the policy is effective, a clause should be added which addresses how a proposal will be assessed where access to the main road network is not feasible (**MM14**).
43. With these modifications, the plan will provide an appropriate decision making framework for proposals for waste management facilities.

### **Issue 5 – Whether the RWLP provides appropriate justification for the site-specific allocations and Areas of Search in terms of the sites identified, their environmental acceptability and their deliverability**

44. The predicted shortfall in capacity provides the main justification for the strategic allocations. Further justification for each allocation is contained within the Site Assessment and Methodology Report (SD16) which, in turn, informs the particular considerations for each site. Appendix B contains a table for each allocation which sets out the relevant development principles (RWLP Tables 7-20). These include, as appropriate, the need to address specific matters such as relationships with heritage assets, access arrangements and potential effects on living conditions. Where an allocation has the potential to give rise to such impacts, the site assessments show that it could reasonably be expected that objections could be addressed either through the design of any proposal or by way of condition. I consider that the methodology used in the site assessment process provides a sound basis for each allocation.
45. Except where indicated in the following section, I am satisfied that the site assessments have demonstrated that the allocations are sound and deliverable. However, the following modifications are necessary to ensure that the development principles for each allocation are effective and justified.

Table 8, Bellhouse Landfill Site

46. Within this table, the indicative scale of the inert landfill facility should be expressed in tonnes per annum rather than the overall volume and the correct data as to estimated availability should be shown (**MM15**).

Table 11, Little Bullocks and Crumps Farm, Great and Little Canfield

47. Corrections should be made to this table to ensure that the site size and the defined area for site 1 are consistent with the Minerals Local Plan. Map 11 should be amended accordingly. In addition, the availability of site 3 and the life of sites 2 and 3 should be revised so that they are consistent with the most up to date information.
48. The Minerals Local Plan anticipated that restoration of the existing quarry would be completed before extraction commenced elsewhere. In contrast, the RWLP expects site 2 to become available in the short term, with sites 1 and 3 becoming available in the medium term. It is the data on the capacity gap which provides sufficient justification for the revised approach within the RWLP. Although doubts were expressed as to the viability of the extraction of the mineral resource, the best information currently available is that mineral extraction will proceed. Whilst the approach within the RWLP does raise further issues, especially in terms of potential cumulative impact on local amenity, this has been recognised through the site assessment process and is on the whole suitably addressed through the issues and opportunities for each site, which are set out below Table 11.
49. The exception to this concerns site 2, which includes a clause that seeks to control the type of hazardous wastes which could be accepted. National policy is clear that waste planning authorities should not concern themselves with the control of processes, which are a matter for the pollution control authorities. This would include the range and types of waste which could be accepted. In order to be consistent with national policy therefore, the first bullet point for site 2 should be deleted (**MM16**). In addition, in the interests of effectiveness, the HRA should refer specifically to the need to ensure that there would not be an adverse impact on water quality.

Table 14, Morses Lane, Brightlingsea

50. This site, towards the edge of Brightlingsea, adjoins an existing waste operation but is also within a short distance of a supermarket, school and a residential area. The main access route into Brightlingsea is the B1029 which carries high levels of traffic.
51. By giving greater weight to the proximity of housing and the school, the revised site assessment more accurately reflects the sensitivity of the location. In this respect, I note the reports from residents that they already experience some adverse effects from the existing operation. The development principles contained in Table 14 should set out an expectation that any further waste management development would be enclosed, in order to minimise the risk of cumulative impacts. Given the present servicing arrangements for the supermarket, any future development should also be required to have regard to impacts on neighbouring land uses, including the adjacent retail facility (**MM17**). The allocation would generate additional traffic along the B1029.

However, despite the characteristics of that route, it forms part of the main road network and no technical evidence has been provided to show that such additional vehicle movements would place unacceptable pressure on the local road network.

Table 15, Newport Quarry

52. It is proposed to restore this chalk quarry through landfill with inert waste, including creation of lowland calcareous grassland, which is a priority habitat. Greater clarity is required as to the weight that will be placed on particular factors. Whilst the main concerns raised related to biodiversity and traffic, the potential for landscape and visual impacts is also a recognised consideration in national policy. The text accompanying Table 16 should refer to environmental and visual factors and the way future restoration will be managed in relation to those areas which have already been restored. Given the sensitivity of Widdington to HGV movements, the table should also make explicit the expectation that an agreement should be provided which would control vehicle movements in that direction (**MM18**).

Table 16, Rivenhall

53. Planning permission was granted in February 2016 for an Integrated Waste Management Facility (IWMF) at Rivenhall (CED11, p1). Since the detailed proposal differed in key respects from the indicative capacity set out in Table 16, the table should be updated to reflect the quantities and types of wastes to be managed under the approved scheme and to maintain consistency with the evidence base. The table should also clarify the term 'other waste', so as to be consistent with Policy 3 (**MM19**).
54. Although there was strong opposition to this allocation, the grant of planning permission has established the principle of this form of development on this site. It is also a firm indication that the waste management capacity is likely to be delivered during the lifetime of the RWLP. I understand that further work will be required as a result of the Environmental Permitting process, including a revision to the design in relation to the height of the stack. The fact that an Environmental Permit is being pursued supports the case that the facility should be regarded as deliverable. Although other concerns were raised, including the detailed arrangements between this facility and the Tovi Eco Park or the extent to which it might actually function as a combined heat and power facility, these do not alter the appropriateness of the site for the allocated waste management uses.

Table 17, Sandon

55. The Councils advise that the indicative figure of 40,000tpa for the inert waste recycling facility was incorrect. A planning application has been made which identifies capacity for 150,000tpa recycling and 150,000tpa landfill and these are the figures which have been used in the evidence base, most notably CED-2, which contains the most up to date assessment of capacity and requirement. The published schedule of main modifications refers to an indicative scale of 300,000tpa inert waste recycling capacity, which the Councils advise is also incorrect. Consequently, I have recommended that the table sets out the capacity as given in the planning application, in order to

be consistent with the evidence base and the intended scale of operations at the site (**MM20**).

Table 19, Sunnymead, Elmstead and Heath Farms; Table 20 Wivenhoe

56. These sites are adjacent to each other and within the same ownership. The RWLP allocates the Sunnymead site for inert landfill, noting that it would act as an extension to Wivenhoe, which is where the inert waste recycling facility is located at present.
57. During the hearings it became clear that restoration at **Wivenhoe** is well-advanced and the recycling facilities there, which date back some 60 years, are not likely to be renewed. That allocation can no longer be regarded as deliverable and so should be removed from the RWLP (**MM22**).
58. The operator seeks instead to locate new recycling facilities within the **Sunnymead, Elmstead and Heath Farms** site. An area of some 7ha on the north-western part of the allocated site has been identified. This would bring recycling activities closer to a greater number of residential properties and the site assessment (MC-2) notes the risk of cumulative effects. Even so, given the site area proposed I consider that there would be sufficient scope within it to incorporate a suitable range of measures to address the potential impact on local amenity. Over the lifetime of the Plan, the proposed location for the inert waste recycling facility would be preferable therefore and Table 19 and the accompanying Map 19 should be modified accordingly.
59. The issues and opportunities should be revised to recognise that the question of whether archaeological remains would be retained in situ would have been resolved as part of the mineral extraction scheme. However, in place of the term 'Palaeolithic', as used by the Councils, Historic England point out that it would be more appropriate to refer to 'archaeological'. I have used 'archaeological', which would also be consistent with the Minerals Local Plan, which refers to the potential for multi-period archaeological deposits.
60. To differentiate between the potential impacts of the two uses, there should also be references to measures specific to each site in relation to residential and visual amenity. Although the Councils suggest that bunding will be needed to the north, east and south, the operator also points to the need for screening to the west. I have revised the wording of this part of the modification accordingly. Since the requirement to consider the impact on European sites through HRA is already contained in the section which applies to both sites, it is not necessary for it to be repeated in that section which relates specifically to site 2. Given the focus on the Sunnymead site, it stands to reason that there may well be a need to reconsider the access arrangements, which the RWLP expects to be by way of the existing access to the Wivenhoe site. However, given the advanced stage of this Plan, that matter should be addressed through the development management process (**MM21**).

New Table and Map, Dollymans Farm

61. The Site Assessment indicates that this site is capable of accepting some 500,000 tonnes of waste.

62. The development principles should address access issues, not only in terms of the efficient and safe use of the highway but also as regards potential impacts on nearby residential areas and on users of the PROW network. Since the case for the allocation stems from the opportunity to improve damaged or derelict land as well as to enhance local landscape quality and visual amenity (NPPF para 81), the details of the final restoration and aftercare will require careful consideration, as will the need for screening. The use of measures to minimise the effects of dust and noise will be necessary to protect nearby sensitive uses and users of the PROW network. There are known heritage assets within or near the site and any proposal should address the potential impact on their significance, along with details of any proposals concerning protection of the WWII memorials (**MM23**).

## Assessment of Legal Compliance

63. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan is identified within the Essex County Council Minerals and Waste Development Scheme May 2016 (SD-1) which sets out an expected adoption date of December 2016. It is also identified in the Southend-on-Sea Borough Council Local Development Scheme 2015 (SD-2) which sets out an adoption/submission date of June 2016. The Local Plan's content and timing are broadly compliant with the LDSs.
Statement of Community Involvement (SCI) and relevant regulations	Consultation has been compliant with the requirements of the ECC Statement of Community Involvement 2015 (SD 3) and the SBC Statement of Community Involvement 2013. This includes the consultation on the post-submission proposed 'main modification' changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report January 2016 (SD 13) sets out why AA is not necessary. Natural England advises that the HRA has adequately identified and addressed all of the relevant European sites and potential impact pathways.
National Policy	The RWLP complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The RWLP complies with the Act and the Regulations.



## **Overall Conclusion and Recommendation**

64. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
65. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Essex County Council and Southend-on-Sea Borough Council Replacement Waste Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*K.A. Ellison*

Inspector

This report is accompanied by the Appendices containing the Main Modifications

## **APPENDIX 1**

Ref	Page/para	Proposed main modification
MM1	Paragraphs 4.21 to 4.23	<p>Re-write '<b>The Waste Challenge at a Glance</b>' as follows:</p> <p><b>4.21 Non Hazardous Waste</b></p> <p>4.21 Non Hazardous Waste</p> <p>There has been and will continue to be cross - boundary movements of waste. Planning Practice Guidance states that imports of waste from Greater London require specific consideration. The Vision &amp; Strategic Objectives of this Plan therefore recognises the need to continue to make provision for imports from London, albeit at a reducing rate. After 2026, imports of non-hazardous waste to landfill should only be of non-recyclable and non-biodegradable wastes, while some provision may also be made for the management of residues suitable for energy recovery at consented plant.</p> <p>Non-organic, non-hazardous waste arisings within the Plan area are expected to moderately increase during the Plan period. In 2015, it was estimated there were 1.57mt of this type of waste arising in the Plan area. By 2031/32, arisings are estimated to be 1.67mtpa. Imports of non-hazardous waste from London have been estimated to be in the region of 375,000 tpa in the early years of the Plan reducing down to around 150,000 tpa at the end of the Plan period.</p> <p>Organic non-hazardous waste arisings within the Plan area are also expected to increase slightly during the Plan period. In 2015, it was estimated that there was 331,000t of organic non-hazardous waste arising in the Plan area. By 2031/32, arisings are estimated to be 349,000tpa.</p> <p>Consented operational capacity is expected to decline from 221,000tpa to 131,000tpa should no further planning permissions be granted over the Plan period. Consequently there will be a requirement for 218,000tpa of new organic treatment capacity by 2031/32.</p> <p>At present, the Waste Disposal Authority is considering long term management options for the stabilised residual waste output of the Tovi Eco Park Facility. In 2016, the annual 200,000t output of the from this facility was exported from the Plan area. In line with the Plan's Strategy for the Plan area to become net self-sufficient with regard to its waste management needs where practicable, the Plan includes a site allocation which has capacity to potentially manage this residual waste in the</p>

		<p>Plan area in the longer term.</p> <p>Assuming that suitable facilities are delivered on the sites allocated in this Plan, it is forecast that some non-hazardous landfill void space will exist at the end of the Plan period. However, in accordance with the waste hierarchy, this remains the option of last resort and is not considered to be a substitute for developing further treatment capacity that will move waste up the hierarchy.</p> <p><b>4.22 Construction, Demolition and Excavation Waste</b></p> <p>It is estimated that local Construction, Demolition and Excavation waste arisings was 3.62mtpa in 2014 (including 0.31mt of waste imported from London).</p> <p>It is identified that there is a need for an additional 1.95mtpa of Construction, Demolition and Excavation management (recycling or disposal) capacity by 2031/32, partly due to the expiry of existing temporary planning permissions.</p> <p>Locally collected evidence suggests that there is further diversion from landfill through beneficial re-use of inert waste, which equated to approximately 765,000tpa in 2014.</p> <p>It is estimated that there is a current inert landfill void space of approximately 3.25 million cubic m, which would equate to approximately 5.1 million tonnes of capacity. This is, however, not sufficient to accommodate the forecast need for inert waste management capacity over the Plan period, to accommodate both the needs of the Plan area and the inert waste projected to be imported from London. To address this, sites capable of providing 490,000 tpa of inert waste recycling capacity and inert waste landfill sites capable of accommodating 14.08million tonnes in total is allocated in the Plan. It is, however, recognised that a proportion of the total inert waste recycling capacity is temporary in nature, and without further permissions, the total inert recycling capacity is likely to reduce to 340,000tpa at the end of the Plan period.</p> <p>Nonetheless, even after the allocation of all sites suitable for inert waste recycling and inert waste landfill, there is a further need to find management solutions for a total of 7.05mt of inert waste. Since no other submitted sites have been deemed suitable for the management of inert waste in the Plan area, locational criteria policies would be used to assess any additional future inert waste management proposals.</p> <p><b>4.23 Hazardous Waste</b></p> <p>In 2014, most of the 113,000tpa of hazardous waste requiring management was exported from the Plan area</p>
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		<p>for final management. Of this around 23,000 tpa was disposed to landfill.</p> <p>The only landfill accepting hazardous waste (Stable Non-Reactive Hazardous Waste -SNRHW) within the Plan area closed in April 2014, so, in 2016, waste was being disposed of at sites beyond the Plan area. This facility, on average, accepted approximately 50,000 tonnes of SNRHW per annum, which included imports from other authority areas as well as waste generated within the Plan area.</p> <p>Hazardous waste is not subject to net self-sufficiency within this Plan due to the specialist nature of the facility type and the relatively small quantities generated within the Plan area.</p> <p>A new site for a Stable Non-Reactive Hazardous Waste Landfill with a total capacity for 30,000 tonnes is allocated in the Plan. No other proposals for the management of hazardous waste in the Plan area were submitted. Locational criteria policies would be used to assess any future hazardous waste proposals should the market identify a need for further facilities in the Plan area.</p>
MM2	Paragraph 5.3	<p>Re-write as follows:</p> <p>The principle of net self-sufficiency does not apply to hazardous waste or radioactive waste as it is not considered practical to provide for such specialist facilities on the basis of net self-sufficiency within the Plan area.</p>
MM3	Policy 1	<p>At (a), replace 217,000 with 218,000</p> <p>At (b) replace 1.5 with 1.95</p> <p>Re-write (c) as follows:</p> <p>c. up to 200,000 tonnes per annum by 2031/32 for the further management of non-hazardous residual waste; and</p>
MM4	Policy 2 and paras 6.7, 6.10, 6.11	<p>At para 6.7:</p> <p>after 'within 250m of a safeguarded site' add: (or 400m of a Water Recycling Centre - WRC);</p> <p>after 'Sensitive uses should not be located adjacent to, or within, 250 metres' add: (or 400m of a WRC)</p> <p>Re-write paras 6.10 and 6.11 as follows:</p> <p>6.10 In some cases, the potential adverse impact on a waste site or operation of a waste facility may not be contested by the WPAs. Such instances could include scenarios where it can be ascertained that there are wider social, environmental and/or economic benefits resulting</p>

		<p>from new development that may outweigh the retention of the waste use. In such instances, alternative site provision for the displaced waste use could be required should such capacity continue to be necessary.</p> <p>6.11 Whilst Waste Consultation Zones apply to all permitted waste facilities in the Plan area, the WPAs are unlikely to object to development in close proximity to a small scale, non-specialist facility, defined in this Plan as those with an annual capacity of 10,000tpa or less.</p> <p>Policy 2:</p> <p>Re-write the first two paragraphs as follows:</p> <p>Where non-waste development is proposed within 250m of safeguarded sites, or within 400m of a WRC, the relevant Local Planning Authority is required to consult the Waste Planning Authority on the proposed non-waste development (except for those developments defined as 'Excluded' in 'Appendix C - Development Excluded from Safeguarding Provisions').</p> <p>Proposals which are considered to have the potential to adversely impact on the operation of a safeguarded waste site or infrastructure, including the site allocations within this Plan, are unlikely to be opposed where:</p> <p>In clause 'a', after 'or infrastructure is' insert 'considered'</p> <p>Re-write clause 'b' as follows:</p> <p>redevelopment of the waste site or loss of the waste infrastructure would form part of a strategy or scheme that has wider environmental, social and/or economic benefits that outweigh the retention of the site or the infrastructure for the waste use, and alternative provision is made for the displaced waste use; or</p> <p>Delete final para beginning: 'Where proposed <i>non-waste development</i> ...</p>
MM5	Policy 3, Clauses 1, 2, 3, 4	<p>Amend clauses 1-4 as follows:</p> <p>Clause 1 Basildon Water Recycling Centre, Basildon</p> <p>Clause 2 After Blackley Quarry insert: Sunnymead, Elmstead &amp; Heath Farms, Tendring (W36)</p> <p>Delete: Wivenhoe Quarry Plant Area, Tendring</p> <p>Clause 3 Delete 'other' insert 'residual non-hazardous'</p>

		<p>Clause 4</p> <p>Add:</p> <p>Dollymans Farm, Basildon/Rochford (L(i)16)</p>
MM6	paragraph 8.10	<p>Re-write as follows:</p> <p>Proposals within the Areas of Search will normally require express planning permission and will be considered against other relevant policies in the RWLP, including Policy 10 – Development Management, and the wider Development Plan as a whole. The need to consider the wider Development Plan is important as it is the relevant Local Plan which determines whether an Area of Search designation remains relevant. Should a Local Plan seek to re-allocate land pertaining to an Area of Search away from B2/B8 uses, the criteria upon which Areas of Search are based would no longer be fulfilled. In such instances, the location would cease to be an Area of Search and Policy 4 would no longer apply. The design and operation of waste management facilities proposed within Areas of Search should be compatible with existing uses in the employment area.</p>
MM7	Policy 4	<p>Re-write opening paragraphs to policy 4 as follows:</p> <p>Proposals for waste management development in the following Areas of Search, as defined on the Policies Map, will be supported in principle provided that the design and use of the facility is compatible with existing uses in the employment area.</p> <p>Proposals will be considered against other relevant policies of this Plan and the wider Development Plan.</p> <p>Delete the following site from the list of areas of search:</p> <p>'Oakwood and Crusader Business Park '</p>
MM8	Policy 5	<p>Amend title to read:</p> <p>'Enclosed waste facilities on unallocated sites or outside areas of search'</p> <p>Revise Clause 1 to read:</p> <p>the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development</p> <p>At the beginning of Clause 2 add:</p> <p>'although not exclusively,'</p> <p>delete final sentence, and re-write as follows:</p> <p>'Any proposals that come forward on land use types not identified above will be assessed on their merits, based on</p>

		the policies in this Plan'
MM9	Policy 6	<p>Amend title to read:          'Open waste facilities on unallocated sites or outside areas of search'</p> <p>Revise Clause 1 to read:          the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development</p> <p>At the beginning of Clause 2 add:          'although not exclusively,'</p> <p>delete final sentence, and re-write as follows:          'Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan'</p>
MM10	Policy 7	<p>Amend title to read:          Radioactive Waste Management at Bradwell-on-Sea</p> <p>Amend first sentence to read:          Proposals for facilities for the management of nuclear radioactive Intermediate Level Waste (ILW), Low Level Waste (LLW) or Very Low Level Waste (VLLW) will be supported within the Nuclear Licensed Areas at Bradwell-on-Sea, where:</p> <p>Amend Clause b to read:          b. the proposals are informed by the outcome of economic and environmental assessments that support and justify the management of radioactive waste at this location, and;</p>
MM11	Policy 9	<p>Revise Clause 1 to read:          the landfill site allocations in this Plan are shown to be unsuitable or unavailable for the proposed development</p> <p>At the beginning of Clause 2 add:          'although not exclusively,'</p> <p>delete final sentence, and re-write as follows:          'Any proposals that coming forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan'</p>
MM12	paragraph 9.33	<p>Rewrite para to read:          The Public Rights of Way (PROW) network provides an important means of accessing the countryside. Where relevant, applications for waste management will be required to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative</p>

		paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. Restoration schemes should, in the first instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multi-user paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began. The closure of a PROW, where no alternative route is provided, will not normally be acceptable.
MM13	Policy 10	<p>Revise criterion b to read:</p> <p>b. water resources, with particular regard to:</p> <ul style="list-style-type: none"> <li>- the quantity of water within water bodies: <ul style="list-style-type: none"> <li>• preventing the deterioration of their existing status; or</li> <li>• failure to achieve the objective of 'good status', and</li> </ul> </li> <li>- the quantity of water for resource purposes within water bodies'</li> </ul> <p>Add final sentence:</p> <p>Where appropriate, enhancement of the environment would be sought, including, but not exclusively, the enhancement of the Public Rights of Way network, creation of recreation opportunities and enhancement of the natural, historic and built environment and surrounding landscape.</p>
MM14	policy 12	<p>Add criterion d:</p> <p>Where access to the main road network in accordance with (b) and (c) above is not feasible, road access via a suitable existing road prior to gaining access onto the main road network will exceptionally be permitted, having regard to the scale of the development, the proximity of sensitive receptors, the capacity of the road and an assessment of the impact on road safety</p>
Modifications to Appendix B, development principles		
MM15	Table 8	<p>For Inert landfill insert:</p> <p>250,000tpa</p> <p>At Estimated Availability insert:</p> <p>Upon adoption (2017)</p>
MM16	Table 11	<p>At Site 1 Area insert: 6.90ha</p> <p>At Estimated Availability insert:</p> <p>Site 3 – 5-10 years</p> <p>At Life insert:</p>



		<p>Site 2 – 15 years</p> <p>Site 3 - 15 years</p> <p>After 'The following specific issues and opportunities are to be addressed for Site 2'</p> <p>delete first bullet point beginning 'Waste shall be restricted to ... '</p> <p>rewrite third bullet point as follows:</p> <p>To demonstrate that there would not be an adverse effect on a European site through HRA. Any development would need to ensure that there would not be an adverse impact on water quality.</p>
MM17	Table 14	<p>amend bullet point 4 and add new 5 as follows:</p> <p>It is expected that operations would be enclosed within an appropriate building. Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity.</p> <p>The configuration and operation of the proposed facility shall have regard to impacts on neighbouring land uses, including the potential impacts on the adjacent retail use.</p>
MM18	Table 15	<p>in the first bullet point before 'calcareous grassland' insert 'lowland'</p> <p>rewrite the second bullet point to read:</p> <p>Careful consideration of the environmental and visual impacts of the waste development will be necessary as part of a planning application, particularly if a proposal relates to already restored areas. Specifically, ecological enhancement of the site would be sought, with the final restoration and long-term aftercare expected to result in the creation of lowland calcareous grassland priority habitat. It will be necessary to consider phased working to avoid the loss of existing species.</p> <p>rewrite bullet point 6 to read:</p> <p>A vehicle routing agreement is required to ensure the site would be accessed via the existing access to Newport Quarry and via the Main Road Network (B1383). The number of heavy vehicle movements to and from the east shall be limited to those serving Widdington only.</p>
MM19	Table 16	<p>At Indicative Facility Scale, for AD insert 30,000tpa; for CHP insert 595,000tpa</p>
MM20	Table 17	<p>At Indicative Facility Scale, for Inert Waste Recycling insert 150,000tpa</p>
MM21	Table 19	<p>At Area Insert:</p>

		<p>Site 1: 63.74ha</p> <p>Site 2: 7ha</p> <p>At Indicative Facility Scale insert:</p> <p>Site 1: 1,800,000m<sup>3</sup></p> <p>Site 2: 40,000tpa</p> <p>At Site Allocation For Insert:</p> <p>Site 1: Inert Landfill Capacity</p> <p>Site 2: Inert Waste Recycling</p> <p>At Life Insert:</p> <p>17 years</p> <p>Rewrite bullet point 5 as:</p> <p>An archaeological desk based assessment would be required to investigate the gravels to establish their potential for archaeological remains and trial trench evaluation will be required, along with a mitigation strategy, to form part of the Environmental Statement.</p> <p>Rewrite bullet point 7 as:</p> <p>PRoW footpath Elmstead 24 crosses site 1 and is adjacent to site 2, and requires sufficient stand-off distance and protection during operations (e.g., satisfactory crossing point(s) provided for quarry vehicles)</p> <p>Add the following text:</p> <p>The following specific issues and opportunities are to be addressed for Site 1:</p> <p>A minimum of 100m standoff should be provided for all residential properties and effective screening provided to screen views of the site.</p> <p>Retain bullet points concerning Cockaynes Wood Local Wildlife Site and Footpaths Elmstead 19 and Alresford 2.</p> <p>Add:</p> <p>The following specific issues and opportunities are to be addressed for Site 2:</p> <p>Bunding will be required around those parts of the site which are not adequately screened by natural vegetation.</p>
MM22	Table 20 and Map 20	delete
MM23	New Table and Map	insert text as set out at Appendix 2
Appendix C		
MM24	Appendix C	At: Applications for change of use

	Table 21	<p>Delete: 'for change of use'</p> <p>Insert:</p> <p>From B2/B8 to any other use</p> <p>To Class A and C, from any other use</p> <p>Insert:</p> <p>Other applications for change of use. Excluded</p> <p>Delete:</p> <p>Applications for temporary buildings, structures or uses (for up to five years). Included</p>
MM25	At para C2	<p>Add:</p> <p>The development types below include those relating to temporary structures and uses</p>
Appendix E Areas of Search		
MM26	Map 51	delete

## **APPENDIX 2**

New Table: Dollymans Farm

District	Basildon/Rochford
Area	16.09ha
Indicative Facility Scale	500,000 tonnes
Link to Waste and Mineral Activities	The site constitutes a former mineral borrow pit.
Site Allocation For Access	Inert Landfill Capacity
Estimated Availability	Via private road adjoining A129
Life	2017
	Up to 5 years

This site would culminate in the restoration of a former mineral void. The following specific issues and opportunities are to be addressed:

All access should be via the A129. A Transport Assessment would be required at the planning application stage to review access arrangements and examine safety and capacity of the local road network. This may result in the diversion of bridleway to segregate users from vehicles or other mitigation works.

The proposal should demonstrate that there would not be an adverse effect on a European site through HRA. Such an assessment should include consideration of functionally linked land, and must demonstrate no adverse effects on the integrity of any international site. Evidence will change over time regarding the preferences of species such as the Dark-bellied Brent Geese, so appropriate foraging distances should be reviewed as part of any HRA.

Chichester Hall Brook requires protection, for example through an appropriate buffer of at least 15m and through the assessment of potential hydrological impacts with appropriate protection.

Restoration of the site through this allocation provides the significant opportunity for biodiversity, landscape, visual enhancement and historic asset preservation. Careful consideration of the environmental impacts of the waste development will be necessary as part of a planning application with proportionate levels of mitigation to be established. Specifically, the WPA would seek the overall landscape improvement of the site, with the final restoration and long-term aftercare to be beneficial to the Green Belt and biodiversity with particular reference to habitat creation in line with the Northern Thames Basin National Character Area.

Retain trees and shrubs to screen plant and materials from the road. Consider new planting and bunding to screen views into the site prior to commencement of landfilling operations.

Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity.

An Archaeological Desk Based Assessment should be carried out to identify the extent of preservation within the northern part of the site and preservation requirements around war memorials.

Areas of archaeological deposits preserved in situ will require excavation if working is likely to cause ground disturbance in the north western part of the site

A management proposal for the survival and maintenance of the memorial for the burial sites should be submitted with any application.

78