



# Essex and Southend-on-Sea Waste Local Plan

Adopted July 2017





## 9 Development Management Policies



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### Introduction

**9.1** Waste developments can have a detrimental impact on their surroundings if they are not properly operated and monitored, and this must be carefully considered. The impacts on the quality of life of local residents, businesses and on the environment are key considerations when deciding where to locate new waste development. A wide range of potential adverse impacts can arise and the specific nature of these impacts and the ways of addressing them will vary case by case. The planning policy framework provided by this Plan is considered flexible and robust enough to ensure that facilities can be brought forward in sustainable locations, either on those sites directly allocated or at other locations, through criteria-based policies.

**9.2** A number of the potential impacts of waste facilities are addressed by the pollution control regime regulated by the Environment Agency. The regime is concerned with preventing pollution using measures to prohibit or limit the release of substances to the environment to the lowest practicable level, which is also not harmful to the environment. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The NPPW reinforces the stance that in considering planning applications for waste management facilities, waste planning authorities should concern themselves with implementing the planning strategy in the Development Plan and not with the control of processes, which are a matter for the pollution control authorities. The NPPW states that the planning and pollution control regimes are separate but complementary, and a facility will not be permitted by the Waste Planning Authority, nor be allowed to continue to operate, if it does not conform to the pollution control regime.

**9.3** Waste Planning Authorities are instructed to manage the development and use of land for waste management in the public interest, focus on whether waste development is an acceptable use of land and work on the assumption that the relevant pollution control regime will be properly applied and enforced.

**9.4** Waste planning and pollution control authorities therefore work closely to ensure integrated and timely decisions under the complementary regimes. This can be assisted by applicants preparing and submitting planning and pollution control applications in parallel.

**9.5** New waste management facilities to meet waste capacity requirements must be located in suitable locations and seek to avoid or mitigate adverse impacts that may arise. This has been set out through national and international waste policy and these are supported by the policies, general locational criteria and site allocations/Areas of Search made within this Plan.

**9.6** It is therefore considered that only a limited range of policies are required in the WLP to manage and control the effects of new waste management facilities within the Plan area. National guidance is clear that Local Plans do not need to repeat or reformulate

existing national, regional guidance or local policy, or duplicate the existing pollution control regime.

## **The Application Process**

**9.7** The Planning and Compulsory Purchase Act 2004 and Localism Act 2011 introduced major changes to the planning system, including greater public involvement throughout the planning process.

**9.8** The relevant Waste Planning Authority's Statement of Community Involvement states that pre-application discussions between the potential operator and Waste Planning Authority is good practice, and proposes that applicants with significant development proposals should carry out pre-application public consultation. This is supported within the relevant provisions of the Localism Act 2011. Pre-application discussion will also continue to be encouraged when not statutorily required. In respect of the submission of sufficient information, the applicant is directed to the adopted Local Validation List that sets out the minimum level of information that is required to accompany a planning application.

**9.9** Other supporting documents that may be required at the point of application are contained within the adopted Supplementary Guidance Note for the Requirements of a Valid Planning Application.

## **Environmental Impact Assessment**

**9.10** All planning applications for waste development are screened as part of the Environmental Impact Assessment (EIA) process to determine whether or not they require an Environmental Statement. This is required by EU and UK law. The sequential screening/scoping process helps to identify whether a proposal is likely to have significant environmental effects and, if so, an Environmental Statement must accompany the planning application.

**9.11** If required, the Environmental Statement would identify the likelihood of significant impacts occurring. It will show how these impacts can be avoided, mitigated and compensated for, and consider alternative ways the development could be carried out.

**9.12** In cases where an Environmental Statement is not required, the applicant must still consider all the impacts arising from the proposed waste development and supply information to demonstrate that these have been addressed within their planning application.

## **Planning Conditions**

**9.13** Planning conditions are always attached to planning approvals to regulate the operation of the proposed waste development. Planning conditions can only be applied when they meet certain tests (e.g. are they reasonable and enforceable) and are used to agree specific details about the proposal (such as a landscape scheme) and to ensure

the effects on local people and the environment are kept within acceptable levels (for example by limiting working hours).

**9.14** Where significant adverse effects cannot be adequately controlled or prevented, or insufficient evidence has been supplied to demonstrate whether impacts can be adequately mitigated, planning permission will be refused. It is important to note that this process applies to all proposals being brought forward on preferred allocations, Areas of Search and through the locational criteria. An allocation of a site through this Plan does not equate to a planning permission, nor does it circumvent any of the statutory processes or controls that govern the granting of planning permission.

**9.15** When determining planning applications, the WPA will examine each application against all the policies of the WLP, whether or not it is proposed on a preferred site for allocation, or within an Area of Search. The major issues of climate change and transportation of waste is explored in some detail, followed by other general issues, which should be addressed in any planning application.

### **General Considerations for Waste Management Proposals**

**9.16** Waste management development can result in a range of potential benefits and operational impacts that need to be considered. The planning policy framework provided by this Plan is considered flexible enough to deal with a number of issues that may arise from different development, as well as take into account the local circumstances of each proposal.

**9.17** The Local Validation Lists adopted by the relevant Waste Planning Authority provides guidance about the particular information that may be required to validate a planning application before it can be determined. Advice on the information to support an application should be sought on a case-by-case basis, normally through pre-application discussions with the relevant Authority. For any proposal for waste management development that comes forward for determination, the impact of the proposal on the environment and amenity, as described below, will be carefully assessed and considered before a decision is made.

**9.18** Where the impact of the proposal is unacceptable, and such impacts can't be controlled, then planning permission could be refused. Specific measures can, however, be sometimes undertaken to mitigate any potential adverse impact to either local amenity or the environment. Such measures could include, for example, additional landscaping, sustainable drainage schemes, protection of historic assets, noise attenuation, the design of lighting (including avoidance of light pollution of the night sky), dust and vibration control, nature conservation, good building and site design and restrictions on working hours and lorry movements. The appropriate mitigation will depend on the characteristics of the proposal, the site and the surrounding area.

**9.19** Waste is part of the economy – it is a by-product of economic activity, by businesses, government and households. Waste is also an input to economic activity – whether through material or energy recovery. The management of that waste has economic implications – for productivity, government expenditure, and the environment<sup>(14)</sup>. The waste industry contributes to the economy of the Plan area as an employer and businesses require effective waste management to offset costs associated with disposing of the waste it produces. Waste management is therefore important to the economic growth of the Plan area and this needs to be taken into consideration when assessing planning applications for waste management development.

**9.20** In conjunction with the locational criteria policies, these Development Management considerations seek to ensure that any new, non-allocated, sites that come forward reflect the methodology and criteria used to select the preferred allocated sites in this Plan. This will help ensure that any new non-allocated sites perform at least as well as the allocated sites identified, whilst also offering a degree of flexibility. A summary of the methodology used to select the allocated sites is included at 'Appendix D - Summary of Site Identification and Assessment Methodology'.

### **Pollution and Local Amenity Impacts**

**9.21** "Local amenity impact" is usually understood to mean the effect of the proposed development on the existing visual and aural characteristics of the immediate neighbourhood, including the impact on any residential and non-residential uses in the vicinity. Impacts on amenity can cover a range of potential pollution and disturbance from, for example, light, noise, dust, and odour as well as concerns of the possible effects on human health from the development.

**9.22** Detailed controls are exercised through specific pollution prevention and control regimes primarily regulated by the Environment Agency (EA) and Local Authority Environmental Health Officers (EHOs). However, potential pollution and health impacts can be 'material considerations' when determining applications and an assessment of the likely environmental impacts of a proposal could be required. The Environment Agency's 'Guidance for development requiring planning permission and environmental permits', states that "new development within 250m of an existing composting activity could result in people being exposed to odour and bio-aerosol emissions". The same document states that new development within 250m of a combustion facility might, in some cases, mean people are exposed to odour, dust or noise emissions. Whilst this Guidance is aimed at the development of new sensitive receptors within proximity to waste management development, rather than new waste management development itself, it is considered appropriate to apply this buffer when locating new waste management development in proximity to existing sensitive receptors. As such, waste management facilities generating bio-aerosols or contaminants from thermal processes (e.g. pyrolysis / gasification) should not be located within 250m of sensitive receptors and proposals for waste facilities generating bio-aerosols will be expected to have regard to this separation distance. The EA and EHOs will be consulted on waste planning applications, where appropriate.

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<sup>14</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69500/pb13548-economic-principles-wr110613.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69500/pb13548-economic-principles-wr110613.pdf).

**9.23** The impact on human health is also material consideration in making planning decisions. However, national policy expects that in determining applications Waste Planning Authorities should not be concerned with “the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.” If permission is granted, planning conditions may be imposed to help mitigate any impact on local amenity.

### **Biodiversity and Geological Conservation**

**9.24** The Plan Area has a range of sites recognised for their environmental quality, a number of which have international designations. These are identified on Map 3.

**9.25** Within national planning policy, individual sites designated for their importance to biological or geological diversity at an international or national level receive statutory protection, whilst those designated at a local level gain protection through District, Borough or City Local Plans. The Plan seeks to ensure that there are no unacceptable adverse impacts on these important assets. Planning permission for waste management development within or otherwise affecting an international site (Natura 2000 site) will only be granted where the conclusions of a project-level Habitats Regulations Assessment (HRA), as required for those proposals highlighted within the HRA of the Plan, demonstrate that the proposal will have no adverse impacts on the integrity of any site, either alone or in combination with other plans or projects. Screening distances are provided below as a guide for potential applicants in relation to the triggers for project-level HRA.

**Table 5 HRA Screening distances**

Pathway	Screening distance	Relevant European Sites
Air quality - vehicle exhaust	200m from European site	All sites
Air quality - Energy from Waste	10km from European site	All sites
Air quality - landfill gas flares	1km from European site	All sites
Air quality dust	500m from European site	All sites
Air quality - Biopathogens (composting facilities only)	1km from European site	Principally Epping Forest SAC
Water quality	No standard distance - use Source/Pathway/Receptor approach	All sites except Epping Forest SAC and Wormley Hoddesdonpark Woods SAC
Disturbance (noise/visual)	1km from European site supporting disturbance sensitive species/ populations	All SPAs and Ramsar sites
Gull/corvid predation (non inert landfill only)	5km from European site supporting sensitive ground-nesting breeding species (e.g. Terns)	All SPAs
Coastal squeeze	No standard distance - evaluate on case by case basis	All coastal sites

**9.26** Waste management development which impacts on Sites of Special Scientific Interest, National Nature Reserves and irreplaceable priority habitats such as ancient woodland and aged or veteran trees will only be permitted where the impact does not conflict with the wildlife or geological conservation interests of that asset. Locally designated sites form a significant and important part of the Plan Area's natural resource, often contributing to ecological connectivity and landscape linkages. Waste management development that will impact on Local Wildlife Sites, Local Geological Sites, Local Nature Reserves, other priority habitats and protected and priority species will only be permitted where it can be demonstrated that the proposal will not significantly harm the site or the benefits of the development outweigh any adverse effects and such effects can be satisfactorily mitigated or, as a last resort, compensated for, eg through offsetting. Proposals that can show a positive contribution to the restoration, creation, protection, enhancement and management of ecological networks at the landscape scale will be encouraged.

**9.27** Although protecting biodiversity is most often associated with the countryside, biodiversity occurs everywhere, including more built-up urban areas. Indeed, some unique and varied habitats have successfully been established on previously developed (or 'brownfield') land.



**9.28** Natural assets and resources cannot be easily replaced once lost, especially those that thrive in very specific conditions (whether on ‘greenfield’ or ‘brownfield’ land). Protection and enhancement of such assets may be required, however in all cases the impact should be fully understood before a decision is made that the development, in principle, is acceptable at the proposed location.

**9.29** In the case of a demonstrated overriding need for the development, any impacts would be required to be mitigated or compensated for in order to provide a net gain for wildlife proportionate to the nature and scale of the proposal. Where loss of sites, habitats and other features can be justified, appropriate compensatory measures should normally be provided. In certain circumstances, a new asset or resource should be provided which is of at least equivalent value, where possible, to an asset or resource which is lost as a result of development. This could include the creation of a new habitat within or in close proximity to the site or elsewhere if this is more appropriate. Use of the Defra Biodiversity Metric will be encouraged as a method of calculating the extent of habitats lost and created.

### **Countryside, Landscape, Townscape Character Impacts and Green Belt**

**9.30** The character of the Plan Area is important to residents and visitors alike. The visual impact experienced as a result of the development of waste management facilities on the landscape and townscape is a key consideration when deciding planning applications. It is important to protect Essex and Southend-on-Sea’s landscape and townscape for the sake of their intrinsic character and beauty.

**9.31** Most of the Plan Area is covered by Landscape Character Assessments that consider where locally designated landscapes of importance are situated. Particular features that create local distinctiveness or character should be protected from future loss; this includes features such as topography, habitats that are unique to an area, geology (e.g. unique formations or preserved quarry geology) and historic landscapes (which may contain features such as ancient hedgerows and historic field boundaries).

**9.32** The Metropolitan Green Belt is a specific land use constraint. The NPPF (and its guidance) places special importance on protection of the Green Belt. Generally waste management development in the Green Belt will be considered to be inappropriate development.

### **Recreation**

**9.33** 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 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.

**9.34** Local recreation assets, including Public Open Space and other outdoor facilities such as country parks, are protected in District, Borough and City Local Plans. Waste management proposals will be expected to mitigate any unacceptable impact on such designations.

## **Heritage Assets**

**9.35** The historic environment contributes towards creating local distinctiveness and a sense of place by understanding our past. Heritage assets (and their setting) are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Within the existing policy hierarchy, individual heritage assets designated at an international or national level receive statutory protection (under specific heritage legislation, such as Scheduled Monuments, Listed Buildings, Conservation Areas, Registered Parks and Gardens, and Registered Battlefields) whilst others designated at a local level are subject to protection through District, Borough and City Local Plans.

**9.36** It is acknowledged that some assets may not yet be identified (such as archaeological remains). These may present an important resource in terms of placemaking and developing an understanding of our history, which if ignored may be lost.

## **Land and Soil Resources**

**9.37** The presence of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) should be taken into account, alongside other sustainability considerations, when waste management proposals affect such land. Weight will be given to protecting such land from development, although the amount of weight will depend on the development proposed and the agricultural classification of the land affected. In cases where development is temporary, it is normally expected that the land is restored to at least its previous agricultural land quality.

## **Potential Hazard to Aircraft from Bird Strike (open air facilities)**

**9.38** Waste management development may have an impact on the use of aviation facilities within the Plan Area if it is proposed within a 13km radius of an aerodrome. This is due to the potential for some waste facilities, especially non-hazardous landfill sites, to attract birds, as well as the potential for certain species of plants to attract birds when a landfill or landraising site is being restored. The restoration of sites at a lower level than the original landform could also attract birds if water bodies are proposed or subsequently form.

**9.39** Aerodrome safeguarding guidance is set out in the <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas>. In instances where a waste proposal is within 13km of an aerodrome, the relevant

aviation authority will be consulted, to ensure that the proposed development does not adversely affect aircraft safety.

## **The Transport Network**

**9.40** Opportunities to transport waste by more sustainable modes, such as rail and water, are encouraged wherever possible, although opportunities in the Plan area are rare due to a lack of suitable infrastructure. It is therefore recognised that waste will continue to primarily be transported by road, as this is currently the most feasible mode of transport. The possibility of using rail and water for the transportation of materials to and from the site should be investigated, proportionate to the scale and nature of the development. The use of such means of transportation should be shown to be inappropriate in terms of both practicality and viability before transportation by road is considered.

**9.41** As further highlighted in Policy 12 'Transport and Access' it is anticipated that most waste developments proposing reliance on the road network will be accompanied by a Transport Assessment. Such assessments should address the issue of road safety, including potential impact on all road users including pedestrians, cyclists, and equestrians. Any potential impact should be satisfactorily mitigated, including those on users of Public Rights of Way that may cross the site. This may require the provision of safe routes for vulnerable users. It may also be necessary to impose restrictions on the number of vehicles and the routes used, in order to mitigate against any potential impacts on local amenity.

## **Flooding, Water Resources and Water Quality**

**9.42** The risk of flooding should be minimised for people, property and the natural environment. Development can increase surface water run-off to streams and rivers, through increasing built development in the local environment. To prevent or minimise this risk, proposals should incorporate effective surface water management, such as sustainable drainage systems, where necessary to ensure flood risk is not increased.

**9.43** In general terms, waste treatment (excluding landfill or the management of hazardous waste) is defined as a 'less vulnerable' land-use in the NPPF; therefore, it may be compatible in Flood Zones 2 and 3a (subject to certain conditions). A 'sequential test', as set out in the NPPF, is applied to new developments to steer these to areas with the lowest probability of flooding.

**9.44** In 2010, Essex County Council and Southend-on-Sea Borough Council became the Lead Local Flood Authorities for the Plan Area. These authorities have responsibility for ensuring that major development proposals do not compromise the aquatic environment through the effective installation of sustainable drainage systems (SuDS). SuDS reduce the quantity and slow down the rate of surface water run-off from sites as well as assist in treating any pollutants as waters drain from the development. SuDS can also contribute greatly to improving the amenity and wildlife interest of new development through the introduction of water bodies and habitats. SuDS in new development should be in the most appropriate location, be well-designed and have a continued maintenance regime to ensure their continued effectiveness.

**9.45** As well as flood risk, the effect of waste management development on all water bodies should be addressed. This includes surface waters, ground waters, coastal waters, and the potential use of voids for floodwater storage, which has further potential land flooding implications – especially if the proposed development takes up the space that flood waters would have otherwise drained into. A further consideration could be the protection of sources of drinking water, identified via designated Source Protection Zones.

### **Layout and Design Quality**

**9.46** The layout and design of waste development can help to reduce potential impacts, create positive impacts with regard to the public perception of such activities, improve safety and security, as well as increasing operational and/or energy efficiency.

**9.47** Strategic site layout can also allow for greater opportunities to incorporate elements of visual interest, reflect local identity in the design or provide for effective buffers. Visual design elements of such developments can either seek to facilitate integration into the surrounding landscape or townscape, or create visual interest and highlight innovation.

**9.48** As part of the pre-application advice service from the relevant Waste Planning Authority, the expectation with regard to any Design and Access Statement (if applicable) will be advised.

### **Cumulative Impacts**

**9.49** It is also appropriate to consider the cumulative impact of any proposed waste management development especially upon amenity, the economy, the natural and built environment and the local road network. In determining an application for a new waste management facility, account will normally be taken of the potential cumulative impact of waste management and other development within the locality and in particular the area's capacity to absorb that change.

**9.50** In some instances, the combined impact of development over a sustained period of time may be sufficient to warrant refusal of planning permission.