

---

## Appeal Decision

Inquiry Held on 28 February, 1, 2 and 7 March 2023

Site visit made on 3 March 2023

**by P W Clark MA(Oxon) MA(TRP) MRTPI MCMi**

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

**Decision date: 9<sup>th</sup> May 2023**

---

**Appeal Ref: APP/M1520/W/22/3310794**

**Land East of Manor Trading Estate, Benfleet, Essex SS7 4PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by G P Smith, G M Smith, G W Smith, G&K Groundworks Limited and ACT Roadways Limited against the decision of Castle Point Borough Council.
  - The application Ref 21/0532/OUT, dated 2 August 2021 (but amended on 28 April 2022), was refused by notice dated 10 May 2022.
  - The development proposed is 68 residential units, three Class E (commercial, business and service) units, one B2 (general industrial) unit and two B8 (storage and distribution) units with associated access, parking, amenity space, strategic landscaping and noise attenuation, restoration and improvement of existing estate roads and infrastructure.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The application was made originally in the names of a number of parties including K M Smith. By the time of the appeal, K M Smith was deceased. The appeal goes forward in the names of the remaining parties.
3. The application is made in outline. Revised details of access on to Church Road were submitted on 24 February 2023 and, with the Council's agreement, are to be considered now. Details of other access, internal access, appearance, landscaping, layout and scale are matters reserved for detailed applications to be made later.
4. Three successive application forms were submitted, dated 21 May 2021, 2 August 2021 and 2 August 2021 (but submitted on 28 April 2022). The first two sought permission for different quantities of non-residential development. They are indicated to be superseded and so, I have taken the date of the application to be that of the most recent form submitted.
5. The Proposed Development was screened by the Secretary of State in accordance with Regulation 14 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A determination was reached that the proposed development is not EIA Development. There is therefore no Environmental Statement required nor any Parameter Plans to be imposed by condition in the event of permission being granted.

6. During its consideration of the application, the Council conducted a Habitats Regulation Assessment (HRA) of the proposal in relation to its potential effect on the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar Site and the Outer Thames SPA. This assessment did not conclude that significant effects were likely and so does not give rise to the need for an Appropriate Assessment. However, the HRA did conclude that the construction phase of development might result in noise, light, dust and vibration which could have an impact on the designated sites but which could be mitigated through the preparation and implementation of an appropriate construction environmental management plan.
7. The HRA in the council's committee report also concluded not that the residential development would have a likely significant effect on the designated sites through increased recreational pressure but that the development had the potential to do so. Again, that conclusion did not give rise to the need for an Appropriate Assessment but the report noted that a financial contribution to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) would secure management, education and control of visitor numbers sufficient to mitigate the impact. These findings concur with the advice given by Natural England in its observations on the application dated 16 August 2021. I concur with and adopt this assessment for the purposes of this appeal.
8. Before the close of the Inquiry a s106 agreement was submitted. Because I am dismissing this appeal for other reasons, I have not felt the need to consider this against the requirements of the CIL regulations in this decision.

### **Main Issues**

9. It is common ground that, by definition, the development would be inappropriate development within the Green Belt. The main issues in this appeal are therefore:
  - The effects of the proposal on the openness and purposes<sup>1</sup> of the Green Belt.
  - The effects of the proposal on safeguarded waste disposal sites within the adjoining Manor Trading Estate.
  - The effects on the proposal of noise from the Manor Trading Estate.
  - The effects of the proposal on the supply of and demand for parking for non-residential uses.
  - Whether there is an adequate supply of housing land in the area.
  - Whether there is an adequate supply of employment land in the area.
  - Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
10. The Inquiry also considered any benefits to be weighed in the planning balance.

---

<sup>1</sup> The definition of the issue has been expanded since first defined at the Case Management Conference of 17 January 2023. It includes reference to the purposes of the Green Belt, reflecting discussion at the Inquiry summarised in paragraphs 72 and 74 of Emma Dring's closing submissions and paragraph 2 of those of Asitha Ranatunga.

## Reasons

### *Green Belt*

11. Policy GB1 of the Castle Point Borough Local Plan, adopted in 1998, which related to control of development in the Green Belt was not saved by the Secretary of State's Saving Direction of 20 September 2007 and so has lapsed. The government's policy on Green Belt set out in the NPPF therefore has direct application to this appeal.
12. It is common ground that the proposal would represent inappropriate development in the Green Belt as it is not covered by one or more of the exceptions in NPPF paragraphs 149 and 150. That is harmful by definition. The main parties also agree that it would result in harm to Green Belt openness and to Green Belt purposes set out in NPPF paragraph 138. The dispute between the parties relates to the level of harm and extent of conflict.
13. Openness can be considered in a number of dimensions. The Inquiry covered spatial (ie the extent to which the site is developed or not) and visual dimensions.
14. The site is currently undeveloped. Apart from its enclosure by development and protected trees, it is otherwise open. Although the development proposed would include some open space, it would in general transform the openness of the site from an undeveloped clear space into a residential estate, an office park and an extension to an industrial estate. In terms of the spatial element of openness, the harm would be the nearly complete development of 5.5 ha of Green Belt land, representing 0.2% of the total 2,750 ha of Green Belt land within Castle Point, not a major loss of Green Belt but not negligible.
15. In visual terms, the site can barely be seen from any public viewpoint. The owner of the woodland fronting Windermere Road to the north-east of the site appears to allow the public to use trails through his land from which glimpses of the site may be seen but it is otherwise enclosed by development and woodland and is almost invisible from any public viewpoint. Because of the seclusion of the site, I conclude that the harm to the visual openness of the Green Belt would be limited.
16. Green Belt serves five purposes. The contribution which this site makes to these five purposes (and therefore the degree of harm to those purposes which its inappropriate development would cause) is examined in the evidence base for the (now withdrawn) New Castle Point Local Plan 2018-2033 dated March 2022. The relevant part of the evidence base is the three Green Belt Review documents<sup>2</sup>.
17. This Green Belt review was carried out with reference to Planning Advisory Service guidance and in accordance with a spatial hierarchy of fifteen selected specific sites within thirty more broadly defined parcels. (The thirty parcels sum to the totality of the Green Belt in the Borough; the fifteen specific sites do not). Two of the five Green Belt purposes were considered not to be relevant to Castle Point.<sup>3</sup> For each parcel, six degrees of contribution to each

---

<sup>2</sup> Core Documents F7, F8 and F9 in this appeal.

<sup>3</sup> A view which differs from that taken by the Council and the Inspector in appeal APP/M1520/A/07/2034627 for an industrial development on part of the current appeal site, determined in January 2008 without the benefit of the arguments set out in the more recent Green Belt Review.

of the three remaining Green Belt purposes were defined; the greater the degree of contribution, the greater the harm to the purposes of the Green Belt which would be caused by inappropriate development.

18. The appeal site sits at the southern extremity of parcel 1. This parcel is assessed as making strong, very strong and moderate contributions to each of the first three of the Green Belt purposes identified in the NPPF. It is also assessed as forming part of a strategic Green Belt link of several parcels preventing the merger of South Benfleet and Thundersley and linking to Green Belt outside the borough, in Rochford and Basildon. But parcel 1 is one of the largest parcels within the Green Belt Review so those assessments tell us little about the harm to the Green Belt which would be caused by the development of this appeal site by itself.
19. For that, we must look at the individual site assessment. In Core Document F8, the site is known as SH17. It is assessed as making moderate, minor and minor contributions to each of the first three of the Green Belt purposes identified in the NPPF. It was said to form a relatively important part of the strategic gap between Thundersley and South Benfleet (a view also taken by an appeal Inspector in 2008<sup>4</sup>) but that development of this site would not act to reduce any existing strategic gap due to the prevalence of plot land development to the immediate east of the site.
20. Of the fifteen sites evaluated, five were assessed as causing lesser degrees of harm, two the same as SH17 and seven as more degrees of harm. Twelve of the fifteen assessed sites were taken forward as housing allocations in the (now withdrawn) New Castle Point Local Plan 2018-2033 and their allocations found sound by the examination inspector (and so their deletion from the Green Belt justified) before the plan was withdrawn. From this and the other considerations of purposes, I deduce that the degree of harm to the purposes of the Green Belt which would result from the inappropriate development of this appeal site is not great.
21. The assessed appeal site was not taken forward as a housing allocation. Part of the assessed appeal site was taken forward as an employment allocation but its employment allocation was found unsound (and so, its deletion from the Green Belt not justified). However, this outcome does not invalidate the conclusion I reach.
22. It is important to note that any aspect of 'quality' in terms of the landscape or countryside was not part of this Green Belt Review as it is not featured in any of the purposes of the Green Belt. It was instead the degree to which the parcel represents 'countryside' or whether it is more defined by land uses which are not considered to be appropriate in the Green Belt, which was the key to the assessment (a factor also taken on board by the appeal Inspector in 2008). Nevertheless, the Green Belt Review notes that the immediate surroundings of the site are predominantly developed in part by industrial uses such that the rural integrity of the site is compromised.
23. In conclusion, the proposal would represent inappropriate development which is harmful by definition. It would cause a nearly complete loss of the spatial dimension of openness to 0.2% of Castle Point's Green Belt, so representing a moderate degree of harm to its spatial extent. It would have a limited effect

---

<sup>4</sup> APP/M1520/A/07/2034627

on the visual dimension of openness. The degree of harm to the purposes of the Green Belt would not be great. These harms must be given substantial weight in accordance with NPPF paragraph 148, when I come to consider the planning balance later in this decision.

### *Noise*

#### *a) Effects on safeguarded waste sites*

24. Benfleet Scrap, whose yard adjoins the appeal site, is an important facility in the business of reuse, recycling and recovery of waste metal, a business to which the government's National Planning Policy for Waste attaches importance. Although not yet used to the full extent of its licence, its site has the fifth largest capacity of all the operational metal recycling sites in Essex. It is a safeguarded waste site within the Essex and Southend-on-Sea Waste Local Plan adopted July 2017.
25. It is very noisy, when operational. The dominant noise is from a baler (which crushes the scrap metal into bales). There is also noise from up to four excavators/grabbers which move (and sometimes drop) scrap metal. The effects of these on the site are quantified by two sets of survey material<sup>5</sup>. These show that the background noise level on the site (without the scrapyards in operation) is about 50dbA.
26. With the scrapyard in operation, but without the noise barrier proposed as part of the appeal scheme, the "rating level", incorporating the penalties prescribed by BS 4142:2014 +A1:2019 to reflect the characteristics of the noise, is recorded as attenuating from about 89 dBA next to the scrapyard's baler to about 74 dBA about 100m away on the north-eastern edge of the site in the 2021 survey and from over 92 dBA to about 77 dBA in the 2023 survey. (The latter includes lower penalties, so actually recorded noise levels about 6 dBA higher than the earlier survey). In terms of the categories of the Noise Policy Statement for England this represents a Significant Observed Adverse Effect Level (SOAEL) which should be avoided or prevented.
27. It is argued that the scrap yard is not currently operating within the conditions which apply to its operating licence or planning permission but that if it operated strictly within their terms its noise output would be less, or less noticeable. It is inevitable that occasional breaches will occur, through accidental circumstances if through nothing else. The Environment Agency's most recent Compliance Assessments identify no breaches. Those identified in previous compliance visits were dealt with by advice and guidance. No evidence was presented to deny that the two sets of surveys submitted by the appellant represent the real world with which any development proposal would have to deal.
28. The earlier survey shows a wider dispersion of noise across the whole site, whereas the later survey suggests that it is more directional, towards the north-east. The difference possibly reflects the completion of a 5m wall on the eastern boundary of the scrap yard, or other measures taken internally. The measured noise levels on the southern part of the site in the later survey still result in a SOAEL.

---

<sup>5</sup> The first is contained within the Facade Noise Exposure Assessment Version 2 submitted in April 2022 based on survey material of November 2021. The second is within Josie Nixon's proof of evidence based on survey material of January 2023.

29. It is not an exaggeration to say that industrial noise from Benfleet Scrap pervades all parts of the appeal site. It also extends to a wider area beyond the Manor Trading Estate. A limited number of complaints about noise from Benfleet Scrap made by residents of surrounding areas 200-300m distant have not yet led to any restrictions on its operations. Those residential areas are separated from Benfleet Scrap by the intervening Manor Trading Estate or by the Robert Drake Primary School or by distances of 200-300m which have attenuated the sound but that attenuation would not occur to the same degree on the appeal site which lies immediately adjacent to the source of the noise.
30. It is clear from my site visit that unless the appeal proposal includes sufficient noise mitigation (in accordance with NPPF paragraph 187) to ensure that the acoustic environment on site would provide acceptable living conditions for residential development, then the level of justified complaint would be likely to lead to unreasonable restrictions being placed on the operation of Benfleet Scrap. That would be contrary to NPPF paragraph 187 and to the intentions behind policy 2 of the Waste Local Plan, headed "Safeguarding Waste Management Sites and Infrastructure".
31. This policy itself only provides a consultation mechanism between the local planning authority and the waste planning authority. But the supporting text makes it clear that existing and allocated waste sites and infrastructure will be protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation. In any event, to comply with NPPF paragraph 130(f), planning decisions should ensure that developments create places with a high standard of amenity for future users.
32. The Waste Local Plan comments that sensitive uses should not be located adjacent to, or within, 250 metres of any part of a safeguarded site or within 400m of a Waste Recycling Centre. However, it does not contain any policy to that effect and goes on to point out that the actual buffer needed around each site will depend upon the nature of the proposed 'sensitive' use and on the specific impacts of the current waste operation.
33. I consider the effects of the proposal on the living conditions of potential future residents in the section below. Although I find that the noise environment would be poor for new residential development, there is no evidence to dispute the appellant's contention that the outcome on those parts of the site which could be made acceptable for residential development would be similar to that experienced by existing development in the neighbourhood.
34. Church Road, Keswick Road, Windermere Road, Manor Road and its offshoots are some way distant from Benfleet Scrap but enjoy no specific noise attenuation device other than distance. There is no evidence quantifying or qualifying their noise environment but I am surprised that there is not a greater level of complaint about it. Nevertheless the evidence is clear that such few complaints as there have been have not led to unreasonable restrictions being placed on the operation of Benfleet Scrap. I therefore conclude that, were residential development to be allowed on parts of the site with an effective noise barrier following the principles illustrated in the indicative master plan, complaints about the noise of the scrap yard would be unlikely to lead to unreasonable restrictions being placed upon its operation and so there would be no contravention of policy 2 of the Essex and Southend-on-Sea Waste Local Plan adopted July 2017.



*b) The effects on the proposal of noise from the Manor Trading Estate.*

35. In the case of the present appeal, the illustrative master plan used for modelling purposes suggests the creation of an acoustic buffer by constructing a 12m high noise barrier in the form of industrial and commercial buildings closely abutting the eastern and about half of the northern boundary of the scrap yard together with a noise barrier 2.4m high within the proposed development itself, between the proposed industrial buildings and the proposed residential development. The illustrative masterplan also orientates residential buildings to maximise acoustic buffering against noise originating from the scrap yard. In accordance with advice in Professional Practice Guidance on Planning and Noise (jointly produced by the Institute of Acoustics, the Chartered Institute of Environmental Health and the Association of Noise Consultants) site design would enable the majority of the properties' external amenities to be located on the sides furthest away from the noise source of the Manor Trading Estate. The residential dwellings would provide further screening, helping to improve the soundscape within external amenity gardens but that is accounted for within the modelling.
36. The appellant submitted two sets of modelling to assess what effect such a layout would have on the living conditions (both external and internal) of the residential uses proposed on the appeal site. No rival modelling was produced by the Council.
37. The first set of modelling submitted in April 2022 (based on survey measurements taken in November 2021) concludes that the proposals will allow parts of the site furthest from the acoustic barrier to meet the upper guideline acceptable in noisier environments for external amenity standards of BS 8233:2014 (after including penalties of 11dB recommended in accordance with BS 4142:2014 +A1:2019 to reflect characteristics of intermittency, tonality and impulsiveness in the noise experienced). It also concludes that, with appropriate sound insulation glazing and ventilation measures and building construction as exemplified within the consultant's report, the proposed residential accommodation would be more than capable of achieving the guideline internal noise criteria contained in BS 8233:2014. I consider the acceptability of reliance on such measures in my conclusions below.
38. A second modelling (by the same consultancy but by a different consultant) of the same indicative layout, based on survey measurements taken in January 2023 was presented in evidence to the Inquiry. This shows that a 12m high building barrier is predicted to attenuate noise from the scrap yard and adjacent Manor Trading Estate sufficiently to reduce noise levels to between 44-50dB which is below the desirable noise criteria for outside amenity areas in BS 8233: 2014. But BS 4142:2014 +A1:2019 recommends the inclusion of penalties within the assessment to reflect characteristics of intermittency, tonality and impulsiveness. This consultant recommends an 8dbA penalty. When an 8dbA penalty is added the evidence concludes that external facades would experience rating levels variously 9-10, 2 and 8dB(A) above the assessed background noise level of 50dbA.
39. A comparison of the predictive maps in each set of modelling shows a correlation of predictions. Expected noise levels at the eastern boundary of the site would be in the range of 50-55dBA. In the internal areas within the blocks of housing they would be in the range of 55-58 dBA. In the area between the

housing and the commercial units the external noise levels would be between 57 and 60dbA when the scrap yard is in operation.

40. Paragraph 7.7.3.2 of BS 8233:2014 advises that it is desirable that the external noise level of residential amenity areas does not exceed 50db LAeq with an upper guideline of 55db LAeq which would be acceptable in noisier environments. The BS accepts that in a city centre or urban area adjoining the strategic transport network even these guidelines would not be achievable but, as this site is not in a city centre nor adjoining the strategic transport network, that concession does not apply.
41. In effect, the BS is advising that where noise is inevitable, it can be tolerated, up to a point. As noted earlier, this site is in a noisy environment and so acceptance of the higher guideline could be said to be consistent with the recommendations of the BS. But, this is a somewhat circular argument for determining the guideline to be applied in a particular circumstance. This site is on the edge of countryside where tranquillity might be expected. There is no inevitability about development in this location. There is a choice to be made. That choice is to be exercised through the planning process in general and this appeal in particular. For that reason, in this particular case, I follow the normal BS 8233:2014 guideline rather than the upper guideline.
42. In the terms of the NPPF and the Noise Policy Statement for England it can be considered that only on the easternmost parts of the site would a LOAEL (Lowest Observed Adverse Effect Level) be the outcome of the development proposed even with a noise barrier and residential layout such as that included in the indicative masterplan. The extent of the LOAEL would be much less than the extent of residential development indicated in the illustrative masterplan.
43. Both of the appellant's analyses then go on to demonstrate how satisfactory internal noise conditions could be met in accordance with BS 8233:2014 but that would depend on occupants choosing to keep windows closed and so would place an unwelcome restriction on their freedom to enjoy their home as they choose. In any event the external environment would remain unsatisfactory when the scrap yard operates. I consider the weight to be given to these harms in my conclusions below.
44. Planning Practice Guidance recommends that, for a LOAEL, the action should be to mitigate and reduce to a minimum the harm caused. But, in this case, the LOAEL is the outcome after action (the noise barrier to be provided as part of the development) has been taken into account. The mitigation proposed as part of this appeal scheme would reduce external conditions in parts of the site from SOAEL to LOAEL but not to a No Observed Adverse Effect Level (NOAEL).
45. In both sets of modelling, it is the penalties added in accordance with BS 4142:2014+A1:2019 which lead to a finding that the external environment of the site would be unsuitable for residential development. Appraisal without the penalties would lead to a finding that the external environment would comply with BS 8233:2014 standards. But BS 8233:2014 advises that account must be taken of BS 4142:2014+A1:2019 and so my findings are based on appraisal including penalties.
46. The three experts whose evidence was provided to the Inquiry differ in their assessment of the penalties to be applied for intermittency, tonality and impulsivity. I understand intermittency to be the sort of sound made by a



bleeper warning that a lorry is reversing, whereas although the baler is switched on and off from time to time, when it is in operation, its noise is continuous, not intermittent. Therefore, I concur with the view which suggests no penalty for any intermittency in the noise from the baler.

47. The impulsive sound of dropped metal is also intermittent and so, could attract penalties for both intermittency and impulsivity. Measurements averaged over 16 hours would not necessarily capture the annoyance of LAmix incidents occurring every few minutes throughout the working day and the only recognised limiting criteria for LAmix incidents apply at nighttime when, in the circumstances of the appeal case, the scrap yard would not be operating. Consequently, penalties based on judgement are necessary to evaluate this characteristic of the noise environment. The annoyance of its intermittency is exacerbated by its irregular frequency, and so would merit a higher, rather than lower, penalty.
48. Notwithstanding the technical analysis of tonality in the appellant's more recent evidence, the insistent whine of the machinery which I experienced on site merits a higher, rather than lower penalty.
49. The application of penalties to the more objective modelling of noise contours is necessarily a matter of judgment. The three experts whose opinions were before the Inquiry recommended total penalties of 8, 11 and 13 dBA. Only the lowest of these judgements would place even a part of the site within the LOAEL category where residential development might be reasonably contemplated. For the reasons given above, I consider that a higher penalty would not be wrong. The suggestion, by the appellant's consultant, that with the building barrier in situ the penalty characteristics are likely to reduce due to attenuation, screening and masking does not alter my conclusion.
50. The illustrative layout would provide areas of public open space within the scheme in relatively quieter areas of the site. It is also the case that existing noise sensitive receptors in the area (such as the Hesten Day Centre and residential properties in Keswick Road) and Green Belt beyond would experience a significant noise reduction and improved soundscape as a result of a noise barrier to be incorporated within the scheme.
51. These considerations would provide mitigation but do not alter the conclusion that, even with the noise barrier proposed much of the external acoustic environment of the site (including BS4142 penalties) would exceed even upper guideline values of 55dB LAeq16hrs and would remain poor for residential use, albeit at a LOAEL, not a SOAEL. For the reasons explained earlier, the application of the standard guideline value of 50 dB LAeq16hrs is to be preferred, which would result in a conclusion that the noise environment of most of the site would remain poor for residential use, even with a noise barrier in place.
52. I recognise that in parts of the proposed development noise mitigation would result in a noise impact which would be less adverse than that which is currently experienced by many residents nearby (whose amenity will also be improved). However, my unaccompanied site visit to Manor Road and other residential streets nearby, whose experience of noise from Benfleet Scrap is mitigated by distance or intervening development, did not lead me to conclude that that provided a good acoustic environment for new residential development.

53. There is speculation that Benfleet Scrap is not operating at capacity, which could increase and that the additional operation of recently installed machinery (an aluminium crusher) would add to the noise environment. However, noise is not arithmetically additive in that sense; a lesser or equivalent noise source tends to be subsumed into the noise effects of a greater noise source, so it is likely that any increase in activity or increase in the number of machines in use would result in an increase in the number and frequency of impulsive noise incidents causing disturbance rather than an increase in the continuous sound levels emanating from the scrap yard. In any event, no evidence was produced to demonstrate the point.
54. I am aware that at a Council meeting in November 2018 Council officers recommended approval for submission to the Secretary of State of a New Local Plan 2018. That document is now withdrawn so carries no weight in itself but both parties agreed that its supporting evidence base is a material consideration in the current appeal.
55. It included an allocation of a site known as LP HO 21, Land East of Manor Trading Estate Thundersley which substantially corresponds to the current appeal site. Its recommended allocation was for a mixed use development including 95 homes. The November 2018 Council report notes that the site is open and affected by noise generated from the neighbouring industrial uses; that this impact means the western part of the site is not suitable for residential development, and that in consequence the New Local Plan 2018 allocated this portion of the site of some 1.4 ha for employment uses, with access to be taken from the existing trading estate. The remainder of the site comprising 3.3 ha was to be allocated for residential development, benefitting from an existing access from Keswick Road and from Church Road.
56. Whilst recognising the acoustic environment of the site, that officer advice was given without the benefit of the thorough noise survey and modelling now submitted with this application and appeal. In the event, the Council did not accept its officers' advice and the eventually submitted plan did not include the site as a housing allocation. In the light of the information subsequently submitted by the appellant in this appeal, I concur with the decision to exclude residential uses from the site and conclude that the effects on the proposal of noise from the Manor Trading Estate, specifically Benfleet Scrap, would provide a poor acoustic environment for much of the residential element of this proposal and so be contrary to NPPF paragraph 130(f).
57. There is however a distinction to be made between a decision on an allocation in a local plan which would positively promote a development and a decision on an application or appeal which considers the acceptability of a proposal taking into consideration all matters in the round. Advice in the NPPF (paragraph 185) is that planning decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. I have already observed that modelling of the indicative masterplan indicates that a noise barrier to be incorporated within the proposal could reduce external conditions on parts of the site from SOAEL (significant) to LOAEL (lowest observable) (albeit not to No Observed Adverse Effect Level (NOAEL)). On the parts of the site where this could be achieved, the proposal would thus comply with NPPF paragraph 185(a), and, with closed windows, would be capable of providing a good internal noise environment, even whilst not providing a good external environment to all dwellings.

58. However, the modelling provided by the appellant does not demonstrate that this could be achieved on as extensive a part of the site as that proposed in the indicative masterplan used for modelling purposes. I therefore conclude that although in principle it would be possible to reduce external conditions on parts of the site from SOAEL (significant) to LOAEL (lowest observable) (albeit not to No Observed Adverse Effect Level (NOAEL)), it has not been demonstrated that this would be possible on a sufficient extent of the site to accommodate the 68 residential units proposed.

#### *Parking*

59. This issue narrowed in scope during the process of the Inquiry. It is now accepted by all parties, and I concur, that the proposal would be able to provide adequate parking and servicing to meet the requirements of the new non-residential units proposed. To that extent it would comply with policy T8 of the Castle Point Borough Council Local Plan 1998. The remaining dispute concerns the displacement of the occupants of the open yards on the triangle of land to the east of Unit 30.
60. It is clear that, in the past, this area of land has been used for car parking, servicing and storage in association with the use or uses in Unit 30. But in recent years it has become divided into a number of yards which have been let separately. Whether this has been authorised by a specific planning permission or by the passage of time was not explored at the Inquiry; there appeared to be general acceptance that the position is what it is.
61. Some of the yards have been let to businesses with no connection to Unit 30. At least one has been let to a business occupying part of Unit 30. A photograph was produced in evidence showing a commercial vehicle parked in one of the yards which was lined with racking storing materials. The commercial vehicle was said to be loading, not parked. One yard is used by a scaffolding firm as its depot. Another yard is used by a classic car business to store its stock, rather than as employees' or visitors' parking. On my site visit it appeared that the yards were used indiscriminately for all aspects of their occupants' businesses, whether operational, storage, loading or parking.
62. A small part of the triangle of land in question is proposed to be used for the development of one of the industrial units proposed. The remainder would be used to relocate the existing service road approximately 5m eastwards so as to enlarge the service aprons attached to the businesses in Unit 30. These are currently used indiscriminately as storage, servicing or parking (whether visitor or employee) for the businesses concerned. I have no doubt that the enlarged aprons would be similarly used and so would improve the parking and servicing facilities available to the existing occupants of Unit 30, in line with what the Council seeks. I conclude therefore that there would be no breach of policy T8 of the Castle Point Borough Council Local Plan 1998 which is still extant.

#### *Housing*

63. The Council has identified sufficient housing development land for just 1.86 years' supply, well below the five years sought by government policy. The position is not expected to improve in the near future. In the past three years, the Council has delivered only 48% of the homes required. In the seventeen years to March 2018 it has only delivered 44% of its requirements. Only 11 local planning authorities (out of 328) have worse records of delivery and two

of those are the Council's immediate neighbours so the poor housing delivery record of the local area extends beyond the restricted confines of Castle Point.

64. The current housing requirement is 355 dwellings per annum. This proposal would deliver 68 new homes. This would be somewhat less than the 95 envisaged in the draft New Castle Point Local Plan 2018 or the 109 envisaged in the draft Strategic Housing and Economic Land Availability Assessment Update (the SHLAA) 2018 but represents nearly one-fifth (19.2%) of the Council's annual requirement.
65. To meet its full needs, the Council would require 291 affordable homes each year. In the last three years, only 12 affordable homes have been delivered. No affordable housing at all has been delivered in two of the last three years. Through a s106 agreement, this proposal would deliver at least 34 affordable homes (11.7% of the council's annual need) with an identified interest from a registered provider of social housing for all 68 dwellings to be provided as affordable housing (23.4% of the annual need). The planning obligation is necessary to secure this much-needed affordable housing, related to the development in that it would be provided on site and the proportion offered is fairly and reasonably related to the development and so it complies with CIL regulation 122.
66. About one third of all public representations made in response to the planning application favour the proposal. That represents an unusual amount of public support. Many make specific reference to the need for housing in general and affordable housing in particular. The figures show that the proposal would make a significant contribution towards meeting the Council's general and affordable housing needs. It is hardly surprising then, that both parties agree that this should be given substantial weight in the planning balance<sup>6</sup>. I concur. The proposal would contribute to the government's objective of significantly boosting the supply of homes and would comply with extant Local Plan policy H7 for the provision of affordable housing.

#### *Employment land*

67. The local authority's need for additional employment land has been recently scrutinised as part of the examination into the (now withdrawn) New Castle Point Local Plan submitted in 2019. The examining inspector concluded that there is no numerical need for more employment land in the Borough. There is no evidence to show that that does not remain the case.
68. He was not convinced of the need to rebalance the distribution of new employment land between Canvey Island and the rest of the Borough and felt that any benefits from actively managing patterns of growth in support of the transport objectives of the NPPF resulting from a proposed allocation of land (part of the present appeal site) for an extension to the Manor Trading Estate would be limited. He did not however deny the existence of such a benefit (which runs counter to the suggestions made by the Council and the Inspector in the 2008 appeal that businesses on the Manor Trading Estate wishing to expand could move to Canvey Island). The benefit is referred to in some of the

---

<sup>6</sup> Very substantial weight was given to a proposal for 265 dwellings which the Secretary of State held would make a significant contribution towards meeting the Council's general and affordable housing needs in April 2017 (APP/M/1520/A/14/2216062) when it was adjudged to have an identified housing land supply of between 0.4 and 1.1 years. The current case would offer fewer dwellings in a situation of a marginally improved housing land supply and so substantial weight, rather than very substantial weight is the appropriate judgement.

representations made by the public on the current application. I recognise the benefit, albeit that it would be of limited significance because of the modest scale of the non-residential part of the current proposal.

69. The examining Inspector had serious reservations that the proposed allocation would not be delivered within the plan period because of the condition of the existing infrastructure of the estate and the level of investment needed to make the necessary improvements. This is a matter addressed in the current appeal.
70. The examining Inspector acknowledged that there is an issue with the quality of some of the borough's existing industrial areas. This is an issue which the Council's 2012 Employment and Retail Needs Assessment (ERNA) and earlier 2006 Employment Study recognise applies to the Manor Trading Estate amongst others. High occupancy of low value, poor quality units impedes the mobility of businesses and restricts their growth potential. Those conditions were noted in paragraph 11 of the 2008 appeal inspector's decision and are said still to apply at the Manor Trading Estate.
71. The examining Inspector was however content to rely upon Strategic Policy EC1 of the (now withdrawn) New Castle Point Local Plan to address issues of quality. He therefore concluded that the exceptional circumstances for the alteration of the Green Belt boundary to accommodate the extension to the Manor Trading Estate, were not adequately evidenced and justified and so, recommended deletion of the employment allocation from the plan. That finding is consistent with the 2008 appeal inspector's conclusion that the undoubted advantages to the business needs of the appellant and of occupiers of the existing building and some limited wider public benefits of the industrial development proposed in that appeal would not clearly outweigh the harm caused to the Green Belt by reason of inappropriateness. By contrast, the current proposal does not depend solely on employment provision to claim that very special circumstances exist to justify inappropriate development within the Green Belt.
72. The new plan has been withdrawn, so there is no Strategic Policy EC1 but the issue of quality remains. Policy ED7 of the Local Plan adopted in 1998 remains in force. That states that the Council will seek to encourage environmental improvements within employment areas. The appeal proposal would comply with this policy by proposing to implement works to the privately-owned roads which serve the estate and which would provide access to the industrial and warehousing components of the scheme.
73. The appellant has the aspiration that the current appeal proposal would kick start the decanting of firms in the established Manor Trading Estate so as to allow for the modernisation of its stock in the way envisaged by the ERNA and SEEDNA but there is no evidence that this would be an inevitable consequence of the appeal scheme. All that can be said with certainty is that within the part of the estate which the appellant controls, the development would provide the opportunity for decanting and expansion which is sought by a number of the businesses which made representations in support of the application.
74. As with the representations which supported the residential element of the scheme, it is unusual to have any representations in support of a proposal, let alone the number which are made here. These representations are evidence of a locally-expressed need for additional employment land. In addition the ERNA



identified a specific need for office space in mixed use schemes. Consequently, in contrast to the Inspector examining the now withdrawn New Castle Point Local Plan, I find that there is local, albeit not strategic, justification for some modest floorspace expansion of the Manor Trading Estate and that the proposal would comply with Local Plan policy ED7 which seeks to encourage environmental improvements within employment areas.

*Other matters*

75. A fortnight before the Inquiry opened the Forestry Commission served a revised Restocking Notice in respect of the site, following an appeal made against an earlier restocking notice issued following clearance in 2018 of the scrub (so described in appeal decision 2034627 of February 2008) and broad-leaved semi natural woodland (so described in the appellant's Updated Preliminary Ecological Assessment July 2021) which formerly covered the site. The restocking notice records that it has been established that trees were felled without a felling licence in contravention of the Forestry Act 1967. It requires four specified areas of the site to be evenly restocked with a total of 183 broadleaved trees and for the restocked areas to be maintained as such for ten years from planting.
76. The Forestry Act establishes a regulatory regime which operates in parallel with the Planning Acts. There are other such parallel regulatory regimes. It is a well-established rule that one regulatory regime does not normally override another and that one regulatory regime should not be used to impose the requirements of a different regulatory regime or to second-guess its operation. A developer must comply with the requirements of all the regulatory regimes relevant to a proposal.
77. The Council argued that the provisions of the restocking notice would prevent the achievement of the development proposed. Four areas of tree planting specified in the restocking notice would preclude the construction of some of the buildings shown in the development masterplan submitted in support of this appeal proposal including one of those proposed to incorporate or form part of the noise barrier which is intended to surround the Benfleet Scrap yard. However:
  - The appellant has stated an intention to seek a judicial review of the restocking notice. Even if this does not eventuate or is not successful;
  - The development masterplan is illustrative, not substantive or prescriptive, and there is no evidence to show that no other layout could be designed to deliver the scheme whilst complying with the restocking notice. All details are reserved for later consideration; none other than access onto Church Road is to be determined in this appeal and none other than that access have been submitted for consideration. Achievement of that access is not prevented by the restocking notice.
  - In response to my request for advice, both advocates advised me that they were not aware of any provision in law which precluded the appellant from seeking a licence from the Forestry Commission to vary the terms of the restocking notice.
  - I note that the restocking notice itself advises that, in the event that it is not complied with, the Forestry Commission may give notice requiring



steps to be taken to remedy the default. This implies both that enforcement is discretionary and, that steps to be taken to remedy any default could be steps other than those specified in the restocking notice itself.

These points lead me to conclude that I am not constrained by the restocking notice in the decision I take.

### *Conditions*

78. The parties suggested that thirty-eight conditions would be required in the event of the appeal being allowed. Although some of these would have addressed unsatisfactory aspects of the proposal, they would not, in aggregate, lead me to a different conclusion to that which I reach below and so, I do not discuss them further.

### *The planning balance*

79. I have concluded that the proposal would represent inappropriate development within the Green Belt which is harmful by definition. It would cause a nearly complete loss of the spatial dimension of openness to 0.2% of Castle Point's Green Belt. It would have a limited effect on the visual dimension of openness. The degree of harm to the purposes of the Green Belt would not be great. These harms must be given substantial weight in accordance with NPPF paragraph 148.
80. It is now agreed by all parties that the proposal would be able to provide adequate parking and servicing to meet the requirements of the new non-residential units proposed. The scheme would improve the parking and servicing facilities available to the existing occupants of Unit 30, in line with what the Council seeks.
81. The figures show that the proposal would make a significant contribution towards meeting the Council's general and affordable housing needs. Both parties agree that these considerations should both be given substantial weight in the planning balance. I concur. The proposal would contribute to the government's objective of significantly boosting the supply of homes and would comply with Local Plan policy H7 for the provision of affordable housing.
82. There is local, albeit not strategic, justification for some modest floorspace expansion of the Manor Trading Estate. The proposal would comply with Local Plan policy ED7 which seeks to encourage environmental improvements within employment areas.
83. The proposal would mitigate any harmful effects on demand for open space, sports facilities, primary school education, library facilities and doctors' surgeries and would provide a substitute school drop off point to replace that lost in Church Road by the access to the development. In order to accord with planning policy, it would provide benefits over and above mitigation in the form of biodiversity net gain and improvements to the Manor Trading Estate roads.
84. In Castle Point there is widespread acceptance that an adequate housing supply must involve the use of Green Belt land. In normal circumstances, the simple fact of providing housing would not amount to the very special circumstances necessary to justify inappropriate development within the Green Belt. It is housing supply in the face of a very poor performance on delivery

which is the consideration here. The provision of employment land and regeneration of the Manor Trading Estate provide a supplementary contribution to that consideration.

85. In theory the noise environment on the site could be controlled so as to make much of the external acoustic environment of the site acceptable for residential uses within the terms of NPPF paragraph 185(a), though not necessarily within the higher standard of NPPF paragraph 130(f) and for the rest to be limited to non-residential uses. However, the modelling provided by the appellant does not demonstrate that this could be achieved on as extensive a part of the site as that proposed in the indicative masterplan used for modelling purposes. It has not been demonstrated that noise reduction would be possible on a sufficient extent of the site to accommodate the 68 residential units proposed.
86. Consequently, I conclude that the potential harm to the Green Belt, by reason of inappropriateness, moderate harm to openness, and limited harm to purposes, to which I give substantial weight, combined with the harm to potential living conditions from noise in the external environment of the housing, would not be clearly outweighed by considerations of housing and affordable housing need, even supplemented by the minor benefits to the supply of employment land, environmental improvements within the Manor Trading Estate and biodiversity gain which the proposal could deliver. Consequently, I dismiss the appeal.

*P. W. Clark*

Inspector

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                                  |                                                                                |
|----------------------------------|--------------------------------------------------------------------------------|
| Asitha Ranatunga                 | Counsel, instructed by Jason Bishop, Head of Law, Castle Point Borough Council |
| He called                        |                                                                                |
| Edward Davis BSc<br>IoADip CCENM | Pollution Planning Consultant                                                  |
| Alison Hutchinson MRTPI          | Partner, Hutchinsons                                                           |

### **FOR THE APPELLANT:**

|                                   |                                          |
|-----------------------------------|------------------------------------------|
| Emma Dring                        | Counsel, instructed by Russell Forde     |
| She called                        |                                          |
| Josie Nixon MSc<br>BA(Hons) MIOA  | Senior Acoustic Consultant, HA Acoustics |
| Justin Bass MSc MCILT<br>MCIHT    | Director, Intermodal Transportation Ltd  |
| Russell Forde BEng<br>DipTP MRTPI | Principal Director, Smart Planning       |

Joanna Lilliot and Glen Smith took part in the discussion on conditions and the planning obligation.

## **DOCUMENTS submitted at the Inquiry**

- 1 Report to Council's Development Management Committee 7 June 2022 on application 21/1137/FUL for the development of land rear of 248 Hart Road, Thundersley
- 2 E-mail dated 7 November 2022 from Lawrence Hember of CHP confirming continued interest in the site
- 3 Bundle of CCTV stills demonstrating that only three grabbers were in operation at Benfleet Scrap during the site visit by Mr Davies, Ms Hutchinson, Ms Fisher Bright and the Ipa's Counsel on 20 January 2023

## **CORE DOCUMENTS**

### **A. Submitted application**

#### **1. Relevant Submissions**

1.1 21/0532/OUT Revised Application Form 28.04.2022

1.2.1 21/0532/OUT Location Plan Drawing No. 163839DP M006

- 1.2.2 21/0532/OUT Site Plan Drawing No. 16 3739DP/E102
- 1.2.3 21/0532/OUT Development Master Plan (25.11.2022) Drawing No.163839 P205B
- 1.2.4 21/0532/OUT Revised Location Plan Drawing No. 163839DP M005D
- 1.2.5 21/0532/OUT Revised Measurement Plan Drawing No. NC18 442 P204b
- 1.2.6 21/0532/OUT Integrated Acoustics (IAL) Noise Constraint Study July 2020
- 1.2.7 21/0532/OUT HA Acoustics Façade Noise Exposure Assessment HA AD96 V1
- 1.2.8 21/0532/OUT HA Acoustics Façade Noise Exposure Assessment HA AD96 V2
- 1.2.9 21/0532/OUT Schedule of Commercial Building Floor Area and Parking Provision Drawing No 16 3839 DP M007 A
- 1.2.10 Transport Assessment. April 2021

## **2. Statutory Consultee responses**

- 2.1 21/0532/OUT Jacobs Noise Constraints Study
- 2.2 21/0532/OUT Minerals and Waste Planning 29.06.2021
- 2.3 21/0532/OUT Minerals and Waste Planning 03.09.2021
- 2.4 21/0532/OUT Minerals and Waste Planning 23 12.2021
- 2.5 21/0532/OUT Mineral and Waste Planning 26.04.2022
- 2.6 21/0532/OUT Essex Fire and Rescue 29.06.2021
- 2.7 21/0532/OUT Essex Fire and Rescue 10.08.2021
- 2.8 21/0532/OUT CPBC Legal
- 2.9 21/0532/OUT Anglian Water
- 2.10 21/0532/OUT CPBC Environmental Health
- 2.11 21/0532/OUT CPBC Environmental Health Additional comment
- 2.12 21/0532/OUT CPBC Waste and Recycling
- 2.13 21/0532/OUT Environment Agency
- 2.14 21/0532/OUT SuDS 24.06.2021
- 2.15 21/0532/OUT SuDS 03.09.2021
- 2.16 21/0532/OUT SuDS 09.02.2022
- 2.17 21/0532/OUT SuDS 23.03.2022
- 2.18 21/0532/OUT Natural England
- 2.19 21/0532/OUT Essex Highways
- 2.20 21/0532/OUT Infrastructure Officer
- 2.21 21/0532/OUT NHS

## **3. Officers Report**

## **4. Decision Notice**

### **B. Planning Appeal**

- 1. Appeal Form
- 2. Statements of Case
  - 2.1 Appellants Statement of Case
  - 2.2 Planning Authority Statement of Case
- 3. Statement of Common Ground
- 4. Suggested Schedule of conditions

5. Planning Obligations
6. CIL Compliance Statement
7. Proofs of Evidence
  - 7.1.1 Appellant Proof - Russell Forde v1.0
  - 7.1.2 Appellant Planning Proof Appendices - Russell Forde (1)
  - 7.1.3 Appellant Noise AD961-2023 Proof
  - 7.1.4 Appellant Noise ( AD961-2023) Appendices
  - 7.1.5 Appellant Highways Proof Text 31.01.23 Issued Final
  - 7.1.6 Appellant Highways Proof Appendices 31.01.23 Issued Final - Reduced size
  - 7.1.7 Access Plan 22.02.23
  - 7.1.8 Proof of Evidence Josie Nixon
  - 7.1.9 Acoustic Appendices. Josie Nixon
  - 7.1.10 Noise Rebuttal by Josie Nixon
  - 7.1.11 Noise Rebuttal by Josie Nixon Appendices
  - 7.2.1 Local Authority Proof A Hutchinson (Planning)
  - 7.2.2 Local Authority Proof Appendices of A Hutchinson
  - 7.2.3 Local Authority Proof of E Davis (Noise)

#### **C. NPPF, National Guidance and Standards**

1. NPPF 2021
2. National Planning Policy for Waste (October 2014)
3. DELIBERATELY BLANK
4. DELIBERATELY BLANK
5. Noise Policy Statement for England (DEFRA 2010)
6. Explanatory Note of the Noise Policy Statement for England (DEFRA, 2010)
7. Planning Practice Guidance: Noise (DCLG, 2013)
  - 7.1 Noise Hierarchy Table.
8. BS 8233:2014 Guidance on sound insulation and noise reduction for buildings (BSI)
9. BS 4142:2014+A2019 Methods for rating and assessing Industrial and Commercial sound
10. Planning and Noise, Professional Practice Guidance on Planning and Noise for New Residential Development, 2017
  - 10.1 Pro PG Planning and Noise Supplementary Document 2. Good Acoustic Design May 2017
11. DELIBERATELY BLANK
12. BS7445-1:2003 'Description and measurement of environmental noise. Guide to quantities and procedures'.
13. BS5228-1: 2009 +A1:2014 'Code of practice for noise and vibration control on construction and open sites – Noise
14. Traffic Signs Manual, 2019 - Chapter 6 Traffic Control

#### **D. Local Planning policy and Guidance**

1. Adopted Local Plan and Proposals Map (1998)
  - 1.1 Saving Direction
  - 1.2 NPPF Conformity Check



- 2 Essex and Southend Waste Local Plan (2017)
- 3 Castle Point Developer Contributions SPD
- 4 Residential Design Guidance SPD (Castle Point Borough Council 2008)  
4.1 Adoption-Statement-for-the-Residential-Design-Guidance-Supplementary-Planning-Document-November-2012
- 5 Parking Standards : Design and Good Practice. (Essex County Council and EPOA 2009)

#### **E. Housing Land Supply**

1. Castle Point Annual Monitoring report 01.04.2021 – 31.03.2022
2. Castle Point Annual Monitoring Report-01.04.2020 to 31.03.2021
3. Castle Point Annual Monitoring Report-01.04.2018 to 31.03.2020

#### **F. Evidence base**

1. Addendum to the South Essex Strategic Housing Market Assessment (SHMA) (2017)
2. Housing Options Topic Paper (November 2018)
3. Strategic Housing Land Availability Assessment (SHLAA) 2018 Update Volume 3 Mapping Report
4. Strategic Housing Land Availability Assessment (SHLAA) Review 2018 Volume 2 Site Schedules
5. Castle Point Strategic Housing and Employment Land Availability Assessment (SHELAA) Sites – Development Viability Appraisals Report September 2018
6. South Essex Economic Development Needs Assessment (November 2017)
7. Castle Point Green Belt Review Part 1 (2018)
8. Green Belt review part 2 (2018)
9. Green Belt part 2 addendum (2021)
10. Green Belt Topic Paper (2018)
11. Employment and Retail Needs Assessment (2012)
12. SHMA (2016)
13. Castle Point Employment Study November 2006  
13.1 Castle Point Employment Study November 2006 Executive Summary
14. SHLAA-Update-Report-2018- Volume-1--

#### **G. Withdrawn Local Plan**

1. Post Hearing letter dated 06.09.2021
2. Inspector's report dated 03.03.2022
3. Hearing Statements
  - (i) Matter 3: The Green Belt (8 April 2021) Questions 18 - 23
  - (ii) Matter 3: The Green Belt (8 April 2021) Questions 24 – 46
  - (iii) Matter 6: Economic Strategy and policies (8 April 2021) Questions 244 – 263
4. Extract from Main Modifications to Local Plan
5. Minute of decision to withdraw the New Local Plan (15 June 2022)
6. Local Plan Viability Assessment
7. Deliberately Blank
8. Deliberately blank

9. Report of 28.11.2018 Special Meeting of Full Council
10. Extract from Minutes of 28.11.2018 Special Meeting of Full Council
11. Pre-submission Plan 2018-2033 December 2019 With Modifications proposed as at October 2020

## **H. Relevant Decisions and Legal Judgements**

1. Application CPT/16/02/FUL
  - 1.1 Submitted Plan.
  - 1.2 Decision notice
2. Application CPT/366/06/OUT
  - 2.1 Submitted application and Plans.
  - 2.2 Officer report,
  - 2.3 Decision notice
  - 2.4 Associated appeal decision APP/M1520/A/07/2034627
3. Application 18/0834/FUL, Benfleet Scrap Ltd,
  - 3.1 Submitted application and Plans.
  - 3.2 Officer report
  - 3.3 Decision notice
  - 3.4 Judicial Review Judgement
  - 3.5 Court of Appeal Judgement
4. Application 20/0159/FUL – Road Improvement Scheme, MTE
  - 4.1 Submitted application, Plans and supporting documents.
  - 4.2 Officer report,
  - 4.3 Decision notice
5. Appeal Ref: APP/C1570/W/21/3274573 - Land north of Bedwell Road, Elsenham, Essex
6. Essex County Council Decision on Certificate of Lawfulness
  - 6.1 Application ESS/48/22/CPT
    1. Delegated report ESS-48-22-CPT
7. Appeal Reference; APP/ V1505/W/22/3298599 Land north of Kennel Lane, Billericay, Essex
8. Application CPT/638/94 Rear of 30 Brunel Road Submitted Plan
  - 8.1 Decision notice
9. Application CPT/01/95 Rear of 30 Brunel Road Submitted Plan
  - 9.1 Decision notice

## **I. Miscellaneous**

1. Local Plan Development Scheme (November 2022)
2. Control of Pollution Act 1974 Waste Disposal Licence 16 Brunel Road (Benfleet Scrap).Licence Reference No. 398/98

3. Environmental Protection Act 1990. Waste Management Licence Reference: EAWML/71298
4. Application Variation V002 issued 19 07 2017
5. Working Plan for Waste Disposal Licence March 1998
6. Letter from Secretary of State 23 March 2018 threatening to intervene in plan making
7. Tree Preservation Orders TPO/10/2018, TPO12/2018 and TPO13/2018
8. Licence No. SMD0016
9. EPR Compliance Assessment Report ID: 71088/0308611
10. EPR Compliance Assessment Report ID: 71088/0396219
11. EPR Compliance Assessment Report ID: 71088/0422856
12. EPR Compliance Assessment Report ID: 71088/0342248

#### **J. Earlier Draft Local Plans**

- 1 Draft Local Plan 2014 - Economic Strategy E3
- 2 Draft Local Plan 2014 Proposals Map Extract
- 3 Draft Local Plan 2016 - Economic Strategy E3
- 4 Draft Local Plan 2016 Proposals Map Extract
- 5 Pre-Publication Local Plan 2018 - Face sheet and Contents
- 6 Pre-Publication Local Plan 2018 - Economic Strategy
- 7 Pre-Publication Local Plan 2018 - Policy HO21 MTE
- 8 Draft Local Plan 2018 Proposals Map
- 9 Draft-Housing-Sites-Housing-Sites-Options-Topic-Paper-2018
- 10 Pre-Submission Local Plan December 2019 - face sheet and contents
- 11 Pre-Submission Local Plan December 2019 - Economic Strategy
- 12 Pre-Submission Local Plan 2019 Proposals Map.

#### **K. Restocking Notice**

- 1 Restocking Notice Map - 1st Draft - Keswick Road 22.10.2018
- 2 REDACTED ANONYMISED Annex 3 - Record of Meeting With Objector
- 3 REDACTED Annex 4 - Reference Committee Report
- 4 REDACTED - Minister Decision - Restocking Notice. Manor Trading Estate 21.10.2022
- 5 REDACTED - Notification to Objector Representation - Minister Decision - RN24.18-19 Manor Trading Estate 25.10.2022 Document K5 REDACTED - Notification to Objector Representation - Minister Decision - RN24.18-19 Manor Trading Estate 25.10.2022
- 6 REDACTED Response to objection to Restocking Notice 25.10.2022
- 7 Restocking Notice - REDACTED Land on the north side of Church Road, Benfleet 13.02.2023
- 8 Restocking Notice Map - Signed - Land on the north side of Church Road, Benfleet 13.02.2023
- 9 Restocking Notice Covering Letter - Redacted - Land on the north side of Church Road, Benfleet 13.02.2023
- 10 Restocking Plan Overlay (Forestry Commission Base)
- 11 Appellants Restocking Notice Areas Plan 16.3839-M011
- 12 Appellants Adjusted Restocking Notice Area Plan 16.3839-M013

- 13 Appellants Reposition of Contaminated Patch 16.3839-M012
- 14 Appellants Open Areas Plan 16.3839-M010A
- 15 Appellants 23-02-24 GPS to FC RN10- 22-23 Restocking Offer
- 16 Council's Note on the Implications of restocking notice