



Appeal Decisions

Site visit made on 6 February 2026

by **Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2026

Appeal A Ref: APP/Z1585/W/25/3370672

Veolia E S Uk Ltd, Pitsea Hall Lane, Pitsea, Basildon SS16 4UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Veolia ES Landfill Limited against the decision of Essex County Council.
- The application Ref is ESS/57/24/BAS.
- The development proposed is the retention of the open windrow green waste composting facility and shredding of oversized green waste and lateral extension of the site to facilitate the introduction of waste wood shredding operations and the retention of existing associated buildings and infrastructure.

Appeal B Ref: APP/Z1585/W/25/3370673

Pitsea Landfill, Pitsea Hall Lane, Pitsea, Essex SS16 4UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Veolia ES Landfill Limited against the decision of Essex County Council.
- The application Ref is ESS/15/25/BAS.
- The application sought planning permission for the continuation of recontouring of the landfill to facilitate restoration permitted by ESS/49/14/BAS, dated 9 May 2022, without compliance with condition 4 (completion timescales), condition 5 (removal of buildings and equipment) and condition 21 (restoration scheme) to delay restoration of the composting (and proposed waste wood processing) area and access road and weighbridge facilities by 10 years. ESS/49/14/BAS was a variation permission of ESS/35/06/BAS, dated 19 December 2007, for the continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility at Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH.
- The conditions in dispute are Nos. 4, 5 and 21 which state that:
- Condition No. 4
Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 28. Each phase of restoration shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 25 of this planning permission.
- Condition No. 5
Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the restoration scheme approved under Condition 21 of this permission by 31 December 2027.
- Condition No. 21
 - a) The site shall be restored in accordance with the "Restoration Masterplan" (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration Masterplan dated January 2018.

- b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 25 of this permission. The final phase to be restored shall be completed in accordance with the approved details by 31st December 2027.
- The reasons given for the conditions are:
 - Condition No.4
To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with Essex and Southend on Sea Waste Local Plan (WLP) policies 10 and 12 and Basildon District Local Plan (BDLP) policies BAS GB1, BAS C2 and BAS C7.
 - Condition No. 5
To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity, protection of the Green Belt and to comply with WLP policies 10 and 12 and BDLP policies BAS GB1, BAS C2 and BAS C7.
 - Condition No.21
To comply with section 197 of the Town and Country Planning Act 1990 to improve the appearance of the site in the interest of visual amenity (to screen the workings and assist in absorbing the site back into the local landscape) and to ensure adequate restoration and to aid the rehabilitation of the site to a beneficial afteruse and to comply with the WLP policy 10.
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Decisions

Appeal A Ref: APP/Z1585/W/25/3370672

1. The appeal is allowed and planning permission is granted for the retention of the open windrow green waste composting facility and shredding of oversized green waste and lateral extension of the site to facilitate the introduction of waste wood shredding operations and the retention of existing associated buildings and infrastructure at Veolia E S Uk Ltd, Pitsea Hall Lane, Basildon SS16 4UH in accordance with the terms of the application, Ref ESS/57/24/BAS, subject to the conditions set out in the attached schedule in Annex A.

Appeal B Ref: APP/Z1585/W/25/3370673

2. The appeal is allowed and planning permission is granted for the continuation of recontouring of the landfill to facilitate restoration permitted by ESS/49/14/BAS without compliance with condition 4 (completion timescales), condition 5 (removal of buildings and equipment) and condition 21 (restoration scheme) to delay restoration of the composting (and proposed waste wood processing) area and access road and weighbridge facilities by 10 years. ESS/49/14/BAS was a variation permission of ESS/35/06/BAS for recontouring of the landfill to facilitate restoration at Pitsea Landfill Site, Pitsea Hall Lane, Pitsea, Essex SS16 4UH. The permission hereby granted is subject to the conditions set out in the attached schedule in Annex B.

Preliminary Matters

3. These appeals are intrinsically inter-linked. Appeal A relates to the refusal of planning permission (Ref. ESS/57/24/BAS) to retain the existing green waste composting facility at Pitsea Landfill Site for 10 years, beyond its currently permitted temporary period of 31 December 2027. The duration of the planning permission for the existing composting facility was linked to the restoration requirements of Pitsea Landfill Site, where restoration is required to be completed by 31 December 2027, under planning

permission ESS/49/14/BAS. The associated Appeal B relates to the refusal of planning permission (Ref. ESS/15/25/BAS) to amend the extant planning permission (ESS/49/14/BAS) for Pitsea Landfill Site to delay, for a period of 10 years, the restoration of the area of the proposed retained composting facility to 31 December 2037. Given the linked nature of these appeals I have referred to them as the 'appeals proposals' in this decision.

4. Landfill activities at the appeal site have been subject to a number of previous planning permissions with accompanying Environmental Statements (ES) submitted in 2006 and 2014. Appeal B was accompanied by an ES Addendum which reconsiders the baseline and provides a high-level non-technical reassessment of each of the previously assessed topics. The ES Addendum focuses solely on the environmental effects associated with the delay to restoration. However, reference to the composting / waste wood processing is made (where relevant). The conclusion of the ES Addendum identifies that the proposed delay to the restoration of part of the landfill site for up to 10 years would not result in any increased or additional significant environmental effects.
5. The ES Addendum was subject to public consultation, expiring on 13 June 2026. No representations were received in respect of this consultation. Having considered the content of the ES Addendum, I am satisfied that it is fit for purpose and identifies the likely environmental effects arising from the application scheme and is satisfactory in terms of Schedule 4 of the EIA Regulations. I have therefore taken the ES Addendum into account in the determination of these appeals.
6. Planning permission ESS/49/14/BAS was subject to planning obligations contained within an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as varied by a First Deed of Variation). Obligations contained therein relate to the long-term management of the restored site and therefore any delay in restoration would need to be reflected in a further deed of variation to the agreement. The Appellant has provided a copy of a signed and engrossed Second Deed of Variation, dated 25 February 2026, which incorporates the terms of the original agreement as varied by the First Deed of Variation. The Second Deed of Variation sets out the agreement of the main parties that the covenants and conditions contained in the Original Agreement (except as amended by the First Deed of Variation and as varied by this deed of variation) are to continue in full force and effect. It also acknowledges that the provisions contained therein shall only take effect in the event of Appeal B being allowed.

Main Issues

7. The main issues are as follows:

Appeal A

- The need for green waste composting and wood waste processing in the County and nearby areas.
- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies.

- The effect of the proposed development on public access, safety and the amenity of users of the areas of the restored landfill that would be permissible to be accessed by the public.

Appeals A and B

- The effect of any delay to the restoration of the part of the landfill site proposed to be occupied by the green waste composting and wood waste processing facility on biodiversity interests.
- The effect of any delay to the restoration of the part of the landfill site proposed to be occupied by the green waste composting and wood waste processing facility on public access of the overall Pitsea Landfill Site with particular regard to the effect on wider views and the character and appearance of the area.

Reasons

Background

8. The Pitsea Landfill Site occupies an area of approximately 284 hectares and is located at the end of Pitsea Hall Lane (a no through road). A private access road, approximately 2km in length, leads to the landfill site from Pitsea Hall Lane. The access road is also a designated escape route in the event of an emergency on Canvey Island. Landfill operations have now ceased and the site comprises areas in the process of being restored, previously restored areas of landfill, and the existing composting (and proposed waste wood processing) area. The whole site is required to be restored by 31 December 2027.
9. The composting site is currently used for the storage of landfill restoration materials and is bound by the landfill area to the east and north-east and Vange Creek/Holehaven Creek to the south and west. The composting facilities are configured in a linear formation, running roughly north-southwards. The composting office is located towards the north of the operational area. To the south of the office are material storage bays, the leachate treatment plant and the building currently used for the storage of compost. The area used for material processing and windrow composting is located further southwards. The southernmost portion of the composting site is currently used for the storage of inert materials associated with the landfill restoration. Weighbridges, with associated offices, are located along the access road to the north.
10. The proposed development would comprise the following main elements until 31 December 2037:
 - The retention of existing open windrow composting operations; oversize processing; and associated buildings.
 - The extension of open windrow composting and green waste processing area onto land to the south, which is currently used for operations associated with the landfill restoration.
 - The processing (sorting, screening and shredding) of additional wood waste streams, not currently processed at the site.
11. The site would be restored in accordance with the current approved restoration masterplan for the overall landfill site.

12. The appeals site lies within the Green Belt as designated in the Basildon Local Plan Saved Policies 2007 (BLP). The landfill site is bordered on the northeast side by the RSPB Bowers Marsh reserve, which is designated in the BLP as a Local Wildlife Site (LoWS) known as Bowers Marsh LoWS. To the northwest is Wat Tyler Country Park and includes an old, restored landfill which is also designated as a LoWS known as Pitsea Landfill LoWS.
13. The access road to the Composting Facility passes adjacent to the Pitsea Marshes Site of Special Scientific Interest (SSSI). To the west is Vange Creek which lies within Holehaven SSSI which is functionally linked to the Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar site. To the southwest lies Vange and Fobbing Horse Marshes SSSI. Also, within 2km of the site are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and the Thames Estuary & Marshes SSSI/SPA/Ramsar.
14. The layout and operational method of the composting element of the proposed development will be maintained largely as currently permitted. The composting operations site office, welfare building, workshop, mobile plant storage area and water storage tanks (for firefighting) would also be retained as part of the proposed development.
15. The waste wood operation would predominantly be undertaken in the existing area of hardstanding. The unprocessed wood would be shredded using the same shredder as used in the composting process. The processed wood would then be stored in the northern part of the site, ready for export to an appropriate energy recovery facility.

The need for green waste composting and wood waste processing

16. The planning application for the proposed composting and wood shredding development (Ref: ESS/57/24/BAS) was accompanied by a Need Assessment. This considers, amongst other things, data from the Waste Interrogator, Question 100 of the Waste Collection Data for England and the permitted capacity of existing permitted facilities for the management of compostable waste across Essex and Southend-On-Sea.
17. The site currently has a permitted capacity to process up to 46,800 tonnes per annum (tpa) of green waste material to produce a compost product, although during the period 2020 and 2022 approximately 13,250tpa of green waste was processed. The Need Assessment demonstrates that between 2019 and 2022 141,000tpa of compostable waste was produced across Essex and Southend-On-Sea.
18. There are understood to be six existing operational composting facilities across Essex and Southend-On-Sea, including the appeal site. The annual inputs of green waste for each facility were considered, taking into account various operational restrictions. In this regard I accept the Appellant's view that the permitted capacity of the sites identified is not necessarily synonymous with the actual achievable capacity due to, amongst other things, HGV restrictions and site size.
19. The need Assessment identifies that the estimated green waste input capacity for five sites, excluding the appeal site is 103,850tpa. Therefore, without the appeal site, it is estimated that there would be a shortfall of 37,150tpa in operational capacity.

20. The Council acknowledge that a need for the capacity provided at the current facility does contribute to the existing capacity within the County. However, it is contended that the Need Assessment does not demonstrate that the facility was achieving net self-sufficiency and provides no data as to the source of the green waste other than it was from London, Essex and Kent with no indication of the proportion of the arisings from within Essex and Southend-On-Sea. In addition, the Council expresses concerns that there is no assessment of the need for the wood processing at the site.
21. The evidence suggests that in 2022 Essex composting facilities received 11,299 tonnes of waste from predominantly Greater London and Kent, including a small component from Thurrock. In this regard, I accept that the Pitsea site is well located to serve the catchment of southeast Essex and Southend-On-Sea with easy access also to east London and Kent. I have no evidence to suggest that any additional or alternative sites for green waste composting are likely to come forward in the foreseeable future. The site is approximately 12 miles from the centre of Southend-On-Sea by road with the nearest permitted site (Ongar Recycling Facility) being located approximately 21 miles further away from Southend-On-Sea.
22. In my view, it is clear that the appeal site currently makes an important contribution to the management of green waste in south/southeast Essex and its closure would inevitably result in such waste being transported additional road miles to facilities in north and west Essex. This would, to some extent, conflict with the provisions of the 'proximity principle' which, in simple terms, requires waste to be managed close to its source of production.
23. Furthermore, the evidence contained within the Council's Officer Report indicates that organic non-hazardous waste (food waste and green waste) arisings within the Plan area of the Essex and Southend-On-Sea Waste Local Plan 2017 (WLP) are expected to slightly increase from 331,000tpa in 2015 to 349,000tpa by 2031/32. Non-organic waste arisings over the same period is expected to increase from 1,570,000tpa to 1,670,000tpa. Whilst, I have no data that can distinguish between the predicted amount of green waste and food waste, or the wood waste component in non-organic waste streams, the WLP is clear that a rise in these two waste streams is predicted.
24. I have no contrary Need Assessment to suggest that the data provided by the Appellant for the management of compostable green waste may be incorrect. Despite recent fluctuations in such waste arisings, I am satisfied that the appeal site makes an important contribution to the management of this waste in southeast Essex and Southend-On-Sea which the WLP potentially predicts an increase in arisings.
25. The Appellant has also submitted an Alternative Site Assessment (ASA) of the Strategic Site Allocations and Areas of Search for biological waste management and residual non-hazardous waste management categories set out in the WLP in order to consider whether there is an alternative location for the proposed development. This concluded that none of the allocation sites represent a suitable or available alternative location for the proposed development. Following assessment of several sites within the Areas of Search, it further identifies that there are also no suitable or available alternative sites for the proposed development in these areas. Whilst the Council has expressed criticism of some of the methodology used within the ASA, the fact remains that I have no alternative and compelling evidence to conclusively demonstrate that there are suitable alternative sites available now for the management of the green waste.

26. Although the Council has some doubts whether a further extension of the permission for the green waste composting may be sought in 10 years time, I am obliged to determine the proposals before me which are for a temporary period of 10 years only. Any subsequent proposals would need to be considered on their own merits and taking into account the waste management needs and policies that would likely be contained within the development plan at the time including any replacement for the WLP. Furthermore, although the submitted ASA suggests that there are no other suitable alternative sites available within Essex without incurring additional waste road miles, the fact also remains that I have no evidence that any alternative sites are being promoted.
27. Turning now to the issue of self-sufficiency, I do not consider it necessary for the source of the green waste to be scrutinised in detail to determine more precise quantities. Whilst I recognise the Council's desire to attain net self-sufficiency in waste management this does not necessarily suggest that there would be no future imports of waste into the County. Waste that is not collected and managed by the waste collection authority is subject to market forces and it is clear that the appeal site performs a sub-regional function in the management of compostable green waste. Similarly, there could be a need for Essex to export some waste.
28. Furthermore, the WLP explains that "...there will be some cross boundary movement of waste, as it is often more sustainable to take waste to a facility out of the Plan area to reduce waste miles where the source of waste arisings is close to an administrative boundary". Overall, I attach little weight to the Council's contention that the appeals proposals would compromise the attainment of net self-sufficiency, particularly as I have no evidence regarding the import and export balance of waste quantities to demonstrate, or otherwise, that Essex is a significant importer of waste for management within the County.
29. With regard to waste wood processing, the Appellant indicates that this would involve the shredding of treated timber from wood products collected from commercial clients around Essex. The introduction of waste wood processing would not change the maximum waste input levels which would remain as existing at 46,800tpa with input split between green waste materials and waste wood. Overall, I consider that the introduction of waste wood processing alongside the retained composting operations would represent a logical and sustainable operation that would utilise the existing equipment, access roads and facilities.
30. I have no detailed technical evidence from either main party regarding the need, or otherwise, for waste wood processing. However, I do not consider that the introduction of this operation in itself would give rise to sustainable reasons to warrant the dismissal of these appeals, particular as my attention has not been drawn to any material conflict with the development plan in this regard.
31. Taking the above factors into account, I am satisfied that the submitted evidence demonstrates that the retention of the composting facility would ensure that operational capacity for the management of green waste in southern Essex and Southend-on-Sea is maintained. The recycling of green waste and wood is a sustainable approach within the context of the waste hierarchy. Furthermore, the site is sustainably located in relation to the sources of such waste arisings within its catchment area. I am satisfied that there is a demonstrable need for the development and I have no other technical evidence to suggest that such waste could be

sustainably managed elsewhere. Consequently, there would be no conflict with the relevant provisions of Policy 6 of the WLP.

Green Belt

32. The appeals site lies within the Green Belt. The Basildon Green Belt Review 2017 (BGBR) identified that the appeals site comprises a small portion of “Parcel 57” which is a relatively large segment of the Green Belt covering the majority of Pitsea Marches.
33. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate in circumstances where a number of criteria are met. Criterion ‘a’ identifies that development should not be regarded as inappropriate where it would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
34. There is dispute between the main parties whether the appeals site can be considered to comprise “grey belt” land. Grey belt is defined in the Framework as “land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143”. I accept the Council’s view that the appeals site does not constitute previously developed within the context of the definition of such land as set out in the Framework. However, the extent to which the appeals site would comprise “other land” within the context of the definition of “grey belt” as set out in the Framework requires consideration of the extent to which such land contributes to any of the purposes (a), (b) or (d) in paragraph 143.
35. Assessing each of these criteria in turn, criterion (a) identifies that the purpose of the Green Belt is to check the unrestricted sprawl of large built-up areas. The BGBR identifies that Parcel 57 as a whole contributes to purpose (a). However, the BGBR does not confirm whether there is a strong contribution or whether the portions of land within the parcel that are closest to urban areas performs the stronger contribution. In this regard, my attention has been drawn to an appeal decision (Ref: APP/Q4245/W/24/3354822) in which my colleague Inspector determined that in isolation the development site did not strongly contribute to either purpose, meaning that the first part of the grey belt definition was met despite the strong contribution of the wider parcel. I have taken that appeal decision into account in the determination of the appeals before me.
36. In the case of the appeals before me, the site is comparatively small in area and is bounded to the west by marshland and the Wat Tyler Country Park and the restored landfill site to the east. Notwithstanding the intervening countryside surrounding the site, it is remote from any large built-up areas. It forms a discrete small and relatively thin elongated strip of land within a much wider parcel with, in my view, the Wat Tyler Country Park and the restored landfill forming strong boundaries to the site.
37. I have also taken into account the guidance provided in the Planning Practice Guidance (PPG)¹ which identifies that areas that make only a weak or no contribution to checking the unrestricted sprawl of large built-up areas are likely to include those that are not adjacent to or near to a large built-up area. There is well-defined separation between the appeals site and the nearest urban area. Within the context of

¹ ID: 64-005-20250225

this guidance, no part of the site can reasonably be considered to be adjacent to or near to a large built-up area. Consequently, I do not consider that the appeals site would be important in the prevention of unrestricted sprawl of any built-up areas as required by paragraph 143(a) of the Framework and would not fundamentally undermine this purpose.

38. Paragraph 143(b) of the Framework seeks to prevent neighbouring towns from merging into one another. For similar reasons as set out above in respect of the distance to the nearest towns and the presence of significant areas of intervening open land, the appeals site does not make a strong contribution to the purpose of preventing the merger of towns. Significant areas of open land would remain between the appeals site and Pitsea to the north/northeast, South Benfleet to the east, Canvey Island to the southeast and Fobbing and Corringham to the southwest.
39. The BGBR sets out that Parcel 57 partially contributes to purpose (b) but I have no evidence to identify which part of the parcel may make such contribution. Given the relatively low lying nature of the appeals site, the limited visibility of the site from nearby settlements and the relatively dominating presence of the restored landfill site in the context of the surrounding landscape, the retention of the composting area, including the proposed wood processing area, would have no material impact on the gap between existing towns. Taking these factors into account, and the temporary nature of the development, I do not consider that it can be reasonably argued that the appeals site would contribute to the purpose set out in paragraph 143(b) of the Framework.
40. There is no evidence to suggest that the appeals site serves a purpose in preserving the setting and special character of historic towns. Consequently, the appeal site does not make a contribution to the provisions of paragraph 143(d) of the Framework.
41. With regard to the definition of grey belt land in the glossary to the Framework, I am satisfied from the above assessment that the appeals site does not contribute strongly to purposes a, b, or d as set out in paragraph 143. Consequently, I find no conflict with the provisions of paragraph 143(a), (b) and (d). However, whilst I consider that the land falls within the definition of being grey belt land when applying the relevant criteria of paragraph 143, there is still the requirement to consider whether paragraph 155 of the Framework would apply to the question as to whether the development would constitute inappropriate development. This requires consideration of the remaining purposes of paragraph 143 (taken together). In addition, consideration is also required of paragraph 155(b) and (c).
42. The third purpose in paragraph 143(c) is to assist in safeguarding the countryside from encroachment. The composting and wood waste processing area is limited in size and is relatively contained within the context of the surrounding landscape. Furthermore, there would be a need to retain the access road to the appeals site and the leachate and landfill gas management systems for a number of years in any event. As such, some degree of development on the site would need to be retained.
43. Although lying within the Green Belt, I have taken into account the extent of undeveloped surrounding land, the relative low lying and inconspicuous nature of the proposals within the context of the surrounding landscape and the fact that on the expiration of the 10-year period of the proposals, the site would be restored. Overall, I find that the appeals site does not make a strong contribution to assisting in

safeguarding the countryside from encroachment. As a result, there would be low levels of harm to this purpose.

44. With regard to the purpose set out in paragraph 143(e), as considered above, the accompanying ASA demonstrates that the allocated waste sites are not suitable or available for the proposed development. Paragraph 8.20 of the WLP states that for open windrow composting “rural, less populated locations for these facilities are preferred”. There is therefore a clear policy expectation that composting operations should be undertaken in rural areas. Given the shared nature of access, plant and facilities in this case, I do not consider that there is a compelling case to suggest that the proposed wood processing should also not be appropriate in this rural area. The appeals proposals would utilise land that has been temporarily used for composting operations for some years and the proposed use would not typically be one associated with urban regeneration. As such, there would be no harm to this purpose.
45. Taken together, I find that the purposes of paragraph 143 are met and thus there would be no conflict with the provisions of paragraph 155(a). On restoration, the site would continue to fulfil the Green Belt’s purposes.
46. Turning to paragraph 155(b), I have found above that there is a demonstrable unmet need for the proposed development. Consequently, I am satisfied that there would be no conflict with the provisions of paragraph 155(b).
47. With regard to paragraph 155(c) and the sustainability of the location, I have found above that the site is sustainably located in relation to the sources of such waste arisings within its catchment area. It would utilise an existing access road which has been in place for several years and which the Council, in its capacity as highway authority, raises no objections to its continued use. The ASA demonstrates that there are no suitable alternative sites and that the appeals site would ensure the sustainable movement of waste around south Essex and Southend-On-Sea, thereby eliminating the additional waste miles involved in the movement of the waste to sites further afield.
48. Paragraph 110 of the Framework indicates that significant development should be focussed on locations that are or can be made sustainable, through limiting the need to travel. Paragraph 115 seeks to ensure that sustainable transport modes are prioritised taking account of the type of development and its location, that safe access can be achieved and that any significant impacts on the capacity of the highway network or highway safety can be acceptably mitigated. As indicated above, no objection was received from the local highway authority on access or traffic generation grounds.
49. I have no evidence to suggest that the Council had raised previous concerns at the sustainability of the appeals site in the consideration of the previous planning applications for landfilling and green waste composting. Overall, I am satisfied that the requirement of criterion (c) of paragraph 155 of the Framework is met.
50. Paragraph 155(d) – the ‘Golden Rules’ do not apply in this case since they address major housing developments.
51. With regard to permanence, the development would only be retained for an additional 10 years until 31 December 2037. By the end of the 10-year period all operations would be required to have ceased; the built development on the site be removed; and

restoration works would be required to be implemented. As such, the appeals proposals would not result in harm to the permanence of the Green Belt.

52. I accept the views of my colleague Inspector that the Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within. Notwithstanding this position, for completeness, I have considered the effect on openness.
53. The temporary retained use of the composting area would result in some impact upon the openness of the Green Belt, when compared with a restored site. The buildings proposed for retention as part of the development are the compost storage building; and small ancillary buildings (office, welfare building and weighbridge offices). Having observed these buildings at my site inspection, I consider that these structures are modest in nature, covering only a small area of the site and do not have any overbearing massing.
54. The temporary continuation of composting operations and proposed wood processing would represent an increase in the level of activity on the site, when compared with its restored form. However, the principle of waste operations would be similar to those that have previously been deemed acceptable. The proposal would not result in a significant rise in activity on the site, when compared with the existing level of activity. Any increase in activity would be offset by the reductions (and eventual cessation) of landfill restoration activities.
55. It is reasonable to assume that in assessing openness, a determination is necessary whether the proposal offers any visual or spatial effects on the openness of the Green Belt, and whether such effects are likely to be harmful or otherwise. Determining the 'tipping point' beyond which waste management operations would preserve openness depends on the circumstances of the proposals as a matter of fact and degree.
56. In this case, there are changes to the surrounding context, as the landfill restoration is almost completed. Consequently, within the context of the substantial areas of adjoining countryside, the impact on openness would be low. As such, I do not consider that the retention of the composting site would impact on the openness of the area to an extent that would form a sustainable basis to dismiss these appeals.
57. Taking all of the above factors into account, I am satisfied that the relevant criteria of paragraph 155 of the Framework would be met. The appeals proposals do not represent inappropriate development in the Green Belt. Consequently, there would be no conflict with the relevant provisions of Policy 10 of the WLP.

Public access, safety and amenity

58. The continued use of the existing composting area, and the access to it, would not unacceptably restrict access to the restored landfill area. I accept that a safe crossing of the access road off Pitsea Hall Lane would be necessary, but this could be secured by an appropriately worded planning condition. I am satisfied that this would ensure safe and convenient public entry to the restored landfill area including the potential for access from the Wat Tyler Country Park.
59. It is understood that access details to the restored landfill area are currently the subject of discussion between the main parties. However, I have no compelling evidence to suggest that the proposed continued temporary use of the composting

facility area would obstruct or reduce the level of public access envisaged under the restoration scheme for the restored landfill area. Consequently, I do not consider that there is any reasonable basis to suggest that the appeals proposals would be detrimental to the useability or quality of the proposed permissive paths.

60. I recognise that green waste composting and wood processing would involve the continued use of Pitsea Hall Lane and the site access road by heavy goods vehicles. However, the Council, in its capacity as highway authority, raised no objection to the continued use of the composting facility area. Furthermore, the number of such vehicular movements would be substantially less than when landfill operations were at their peak. I have no evidence to suggest that the peak level of vehicular movements was a factor that may have dissuaded visitors to the adjacent Wat Tyler Country Park. Similarly, there is no compelling evidence to suggest that a much-reduced number of vehicular movements associated with the appeals proposals would dissuade the public from accessing the restored landfill area.
61. Turning now to the matter of tranquillity, I have no technical evidence to suggest that the appeal proposals would result in unacceptable noise or dust of an extent that would cause an unacceptable impact to the users of the paths on the restored landfill area to the extent that harm would be caused to the recreational enjoyment of the proposed paths network. Although parts of the composting area may be visible in some views from the restored landfill area, in my view the extent of this area would be a very small component of a much wider landscape surrounding the appeals site.
62. I recognise that 'tranquillity' is a relative concept. Subjective judgement is required to determine whether the appeals proposals would be detrimental to the tranquillity experienced by users of the path network. In this case, I have no compelling evidence to demonstrate how the Council has interpreted such harm. Moreover, given that the composting and wood processing area is at a lower ground level than the restored landfill area, I am not persuaded that views across the wider landscape and the areas of local and national designated ecological areas would be unacceptably constrained of an extent to warrant the dismissal of these appeals on those grounds.
63. Taking the above factors into account there would be no conflict with the relevant provisions of Policy 10 of the WLP or Policies BAS C1, BAS C2 and BAS7 of the BLP.

Biodiversity

64. The submitted Preliminary Ecological Appraisal (PEA) considered the impact of the proposals on internationally designated sites, nationally designated sites and non-statutory designated sites. It identified that there is not expected to be any ecological impacts resulting from the proposals to either habitats or species, and no further surveys are required, neither are any specific mitigation.
65. The Appellant also submitted an Ecological Technical Note (March 2025) and a Shadow Habitats Regulations Assessment (sHRA), dated March 2025. The sHRA, identified there would be no habitat loss due to the proposals. This considered four potential impact pathways on the National Site Network sites comprising disturbance, drainage/water quality, functionally linked land and air pollution. In respect of each impact pathway the sHRA identified that there would be no effect as a consequence of the appeals proposals and concluded that the screening process has identified no effects to the National Site Network sites within the assessment area. Therefore, the sHRA identifies that the Habitats Regulations Assessment process ends at the screening stage and an Appropriate Assessment is not required.

66. Both the Appellant's ecologist and the Council's ecologist consider that there would be no adverse impact on existing ecology. In addition, Natural England raised no objections and considered that the proposed development would not have significant adverse impacts on statutory designated sites comprising Holehaven Creek SSSI, which is functionally-linked to the Thames Estuary and Marshes SPA and Ramsar site; Vange and Fobbing Marshes SSSI; and Pitsea Marsh SSSI. In response to the sHRA, Natural England also advised that this concludes that the proposals can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination, and on the basis of the information provided, Natural England concurs with this view.
67. In addition to the delay in delivering the full restoration of the site, the Council also contends that the appeal site creates a long physical barrier, separating the restored landfill to the east and the Holehaven Creek and the Marshland beyond to the west, limiting connectivity between the two areas. Furthermore, there are no areas of vegetation to provide "stepping stones" for wildlife to traverse these two areas. In any event, the Council contends that the access road would be traversed by vehicles and plant that would create disturbance thereby acting as a deterrent to the attraction of wildlife.
68. In response to the above concerns, the Appellant produced a Technical Note (TN). In respect of the delay to restoration, the TN indicates that the extension of time would result in a delay in restoration of approximately 9 hectares of the site amounting to approximately 3% of the total area across the former landfill site. It identifies that the appeals site would make a limited contribution to the nature conservation interest of the wider area, which is predominantly focused on species associated with the wetland habitats of adjacent areas. As such, the delay to the restoration of the site would not lead to significant harm to biodiversity. Furthermore, the TN sets out that the delay in restoration would not impact on the designated feature of the adjacent SSSI from loss of additional habitat.
69. With regard to the proposals providing a physical barrier, the TN identifies that the minor road which currently provides access to the site is approximately 8m wide and would receive low levels of traffic, as such it is not considered to act as a barrier to the dispersal of flora and fauna in the local area. Connectivity to the wider landfill site is possible north and south of the composting site. It also sets out that the PEA shows that there is habitat linkage south of the site between the SSSI and the restored landfill site. It is also sets out that the access road to the north would not act as a barrier to wildlife given its size and fairly low levels of traffic at present and during any extension of the time limits for restoration.
70. With regard to disturbance, the TN relies on the content of the Ecological Technical Note (March 2025) which concluded that the levels of activity at that time were not affecting the special interest of the Holehaven Creek SSSI. Whilst I accept that there will be a continuation of composting activities, these historically have continued for many years and in combination with landfill activities. As such, it is likely that local wildlife will be become accustomed to some degree of the activities on the composting area.
71. I have taken into account all of the submitted ecological evidence and in particular the comments of the Council's ecologist and the views of Natural England. Whilst the Council may have remaining concerns, these are not supported by any compelling technical evidence. As such, I have no other contrary technical information to suggest

that the ecological evidence provided by the Appellant should not be relied on. Consequently, I am satisfied that the appeals proposals would not result in any significant harm to biodiversity, adversely affect any designated sites, or result in loss or deterioration of any irreplaceable habitats.

72. Having reviewed all of the ecological evidence myself, as a competent authority, taking into account the advice of Natural England, I agree with the foregoing findings of the Appellant's sHRA and find that the appeals proposals would have no significant adverse effects on the integrity of the designated sites, alone or in combination with other plans and projects. Accordingly, I conclude that there would be no significant adverse effect on the integrity of the designated sites network.
73. Taking all ecological work undertaken and associated matters into account, with the imposition of the relevant planning conditions, I consider that the proposed development would accord with the relevant provisions of Policy 10 of the WLP and Policies BAS C1 and BAS C7 of the BLP.

Character and appearance

74. The planning application in respect of Appeal A was accompanied by a Landscape and Visual Appraisal (LVA). This considered the landscape and visual effects of the proposals based on a 3km radius around the proposed development which was determined, amongst other things, through analysis of a zone of theoretical visibility. The LVA was supplemented by a Landscape, Public Access and Amenity Impacts Technical note (August 2025).
75. In terms of landscape effects, the LVA considered the level of longer-term residual landscape effects of the proposals on the host landscape character area: LCA 3 South Essex Coastal Towns (LCA). It identified that the retained composting area would form a relatively small-scale element in part of this open landscape and, where it is glimpsed, it would have a relatively simple appearance. The flat nature of the LCA, and specifically its position on low lying land next to a taller land mass comprising the former landfill site would limit the influence of the proposals on the overall LCA. This would not give rise to a notable change in the landscape characteristics of the LCA.
76. Although the retention of green waste composting and proposed wood processing would perpetuate the presence of structures and vehicular activity within the LCA for a period of ten years, the buildings and equipment would be located on flat ground next to the more elevated reclaimed landfill. I agree with the findings of the LVA that there would be little notable change to the key characteristics of the LCA and that the degree of landscape change would be low.
77. The proposed development would alter a relatively small geographical area and therefore the change would be localised. The landscape effect would be reversible subject to appropriate planning conditions requiring the implementation of the restoration scheme. Combining all these criteria, I consider that there would be a Minor Adverse level of landscape effect on the LCA.
78. Turning to visual effects, the LVA considered four representative viewpoints within the 3km study area comprising residential receptors, recreational users and prospective users of the restored landfill. Taking into account my observations at the site visit, I concur with the findings of the LVA that there would be minor adverse visual effects with retained structures seen at a distance or against the backdrop of the restored landfill. Whilst views of the composting area may eventually be seen from some

proposed permissive paths, these would be in the context of expansive landscape views over a significantly wider area in which the composting area would appear as a relatively minor adverse feature.

79. The Council's Landscape Advisor raised no objection to the proposals. Although it was considered that the proposed retention of the composting area would extend the duration of the landscape and visual effects, the Landscape Advisor identified that such effects are recognised as being localised and limited.
80. Overall, I have found that the appeals proposals would have a Minor Adverse effect on the surrounding landscape within the LCA, albeit that this impact would likely be localised and temporary. In addition, there would be minor adverse visual effects. As a consequence of the above, the proposed development would cause a degree of harm to the character and appearance of the local landscape and, in principle, would be contrary to the provisions of Policy 10 of the WLP and Policies BAS C2 and BAS C7 of the BLP.
81. However, I am mindful of the views of the Council's Landscape Advisor and the content of the LVA and Technical Note. There is some degree of conflict with the policies identified above. However, the extent to which the harm to the character and appearance of the surrounding area would form a sustainable reason for the dismissal of this appeal is a matter that needs to be considered in the overall planning balance and is set out later in this decision.

Other Matters

82. I have taken into account the concerns raised by the Pitsea Mount Community Association which, in addition to the Council's concerns at the delay in restoration, also raise the potential for unacceptable noise. Although this matter has been carefully noted, it does not alter the main issues which have been identified as the basis for the determination of these appeals.

Variation of Planning Obligation

83. As explained above, planning permission ESS/49/14/BAS was subject to planning obligations contained within an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as varied by a First Deed of Variation). Obligations contained therein relate to the long-term management of the restored site and therefore any delay in restoration would need to be reflected in a further deed of variation to the agreement.
84. I am satisfied that the signed and engrossed Second Deed of Variation, dated 25 February 2026, which incorporates the terms of the original agreement as varied by the First Deed of Variation, is necessary to make the development acceptable in planning terms and is directly related to the development and fairly and reasonably related in scale to the development. I therefore have attached weight to the provisions of the Second Deed of Variation in this decision.

Planning Balance

85. I have found the continued use of the composting area for the management of green waste and waste wood processing would utilise grey belt land and would not amount to inappropriate development within the Green Belt.

86. There is a demonstrable need for the development, and I have no contrary technical evidence to suggest that the green waste and wood waste streams proposed to be managed could be sustainably managed elsewhere. Consequently, I have attached moderate weight to the waste management benefits of the appeals proposals.
87. I have found that the appeals proposals would have a minor adverse effect on the surrounding landscape within the LCA, albeit that this impact would likely be localised and temporary. In addition, there would be minor adverse visual effects. The appeals proposals would cause a degree of harm to the character and appearance of the surrounding area. However, I am conscious of the views of the Council's Landscape Adviser and I have attached minor adverse weight to the temporary and reversible harm that would be caused to the character and appearance of the appeals site and the surrounding area.
88. I am satisfied that the proposals would not be materially detrimental to the eventual public access of the restored landfill site, nor would there be any demonstrable harm to the safety and amenity of the users of the proposed paths network. In addition, there would not be any significant harm to biodiversity and nor would the appeals proposals adversely affect any designated sites or result in loss or deterioration of any irreplaceable habitats.
89. In overall conclusion, I find that the benefits of the appeals proposals would outweigh the minor and temporary harm that would be caused to the character and appearance of the area. Subject to conditions, the appeals proposals would comply with the development plan when read as a whole and with the guidance set out in the Framework.

Conditions

Appeal A

90. Proposed planning conditions, including a number of pre-commencement conditions, that have been provided by the main parties. These include several conditions where there are differences between the main parties regarding the content of the suggested planning condition. I have considered all of the suggested conditions against the advice given in paragraph 57 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.
91. In addition to the standard time limit (No.1), a condition is necessary restricting the duration of the permission to 31 December 2037 to ensure that the site is restored within the parameters of the time period set out in the application and accompanying ES (No. 2). I have imposed a condition (No. 3) relating to the approved plans in the interests of certainty.
92. Suggested condition No.4 relates to the hours of operation. There is dispute between the main parties regarding the time for cessation of operations on Saturdays. In addition, the Appellant would wish operations to occur on Sundays and Public Holidays which the Council considers being inappropriate. I recognise that the hours suggested by the Appellant reflect the current approved operation hours. However, the Council point out that the adjacent restored landfill will be open to the public for recreational use in the near future which would most likely occur at weekends/public holidays. The Council asserts that the operation of the facility at weekends/public holidays would detract from the public enjoyment of the adjacent restored landfill site.

93. In my view, there is some merit in the Council's concerns that the public use of the restored landfill area is a very different situation that existed when the landfill site as a whole, including the appeals site, was operational without public access. Public access of the restored landfill site was an objective of the restoration proposals and future users should reasonably expect a quiet environment during Sundays/public holidays. Accordingly, I have not included provision for operations to occur during Sundays/public holidays in condition No.4.
94. With regard to operations on Saturdays, the Council suggests that these should be restricted to the hours between 07.00 and 13.00 whilst the Appellant suggests 07.00 to 16.30. It is reasonable to conclude that the majority of recreational activity on the restored landfill site would most likely occur on Saturday mornings with less use occurring later in the afternoon. Consequently, the Appellant's approach for Saturday working hours to occur up to 16.30 would be acceptable. I have reflected this in condition No.4 set out in Annex A of this decision.
95. Conditions specifying the limitations to the use of the site for open windrow composting of green waste, associated storage and waste wood processing are necessary to ensure that the site operates in accordance with the parameters assessed and set out in the application and accompanying ES (No.5). For the same reasons, conditions are also necessary that specify the location of storage of unprocessed and processed composting material and waste wood, provide maximum stockpile storage heights, and limit the amount of green waste and waste wood imported into site annually (Nos. 6, 7 and 9).
96. To ensure that the use and enjoyment of the adjacent restored landfill site, Country Park and Nature Reserve is not prejudiced, a condition (No.8) prescribing noise limits is necessary.
97. Also to ensure that the site operates within the parameters assessed, a condition is necessary that restricts any retail sales from the site (No.10). In the interests of highway safety, a condition is necessary that restricts the number of daily heavy goods vehicle movements (No. 11). However, in imposing this condition I have excluded any reference to such movements occurring on Sundays and weekends for the reasons set out above in the consideration of suggested condition No. 4.
98. In order to ensure the safe crossing of the site access road by members of the public traversing between the Wat Tyler Country Park and the restored landfill, a condition is necessary to provide details and implementation of a pedestrian crossing point (No.12). In order to protect and enhance ecological interests, conditions are necessary requiring the submission and implementation of a Biodiversity Enhancement Strategy and to restrict the use of external lighting to the hours of operation (Nos. 13 and 14).

Appeal B

99. The advice contained within the PPG makes it clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission. In allowing this appeal I have considered the conditions imposed on the 2022 (Ref: ESS/49/14/BAS) planning permission and the conditions suggested by the Council in this appeal. I shall impose all those conditions that I consider remain relevant and meet the advice contained within paragraph 57 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG.

100. Taking into account the fact that landfill operations commenced some years ago, for the purposes of this decision a condition is necessary (No. 1) to identify that the development is deemed to have commenced on the date of this decision. Although soil replacement to the landfill area appeared largely complete at the time of my site visit I have no evidence to confirm that this is the case. Consequently, I have reimposed the County Council's suggested condition (No.2) requiring notification of soil replacement on the last phase of the landfill. This condition is necessary to ensure appropriate control over soil replacement and restoration works.
101. A condition (No. 3) is necessary to set out the approved plans and details in the interests of certainty. Conditions Nos. 4 and 5, as amended as a consequence of this appeal, are necessary to ensure the restoration of the landfill area by 31 December 2027 and the restoration of the composting and waste wood processing area (as defined on drawing ref. 3645-01-S73-02) by 31 December 2037.
102. In the interests of protecting the living conditions of nearby residential properties and to ensure that the use and enjoyment of the adjacent Country Park and Nature Reserve is not prejudiced, conditions are necessary that prescribe working hours, limit the number of Heavy Goods Vehicles entering the site, provide noise limits, and prescribe noise attenuation measures and noise monitoring (Nos. 6, 7, 8, 9, 10, 11 and 12). For the same reasons, conditions are also necessary requiring the implementation of dust control measures, the provision of controls on the storage of restoration materials in terms of location, height and maintenance of material mounds, and the restriction of any development of the Mechanical Biological Treatment facility. (Nos. 13, 15 and 26).
103. In the interests of highway safety, conditions are necessary requiring that vehicular access and egress to and from the site shall be from Pitsea Hall Lane only and that measures are implemented to ensure that any mud and deleterious material is not deposited on the public highway (Nos. 14 and 29). Although most of the requirements of suggested condition No. 30, relating to the submission and implementation of details of details of the material to be used to form the surface of the access and monitoring tracks across restored areas are likely to have been discharged, I have no evidence to confirm that this is the case. Consequently, in the interests of protecting the character and appearance of the area, I have re-imposed this condition.
104. In order to ensure the satisfactory restoration of the site, a number of conditions are necessary relating to the stripping, movement and replacement of soils, ensuring that soils are retained on site for restoration purposes, the provision of details of soil type and depth prior to restoration placement and the removal of stones from the restored surface (Nos. 16, 17, 18, 19 and 32).
105. A number of conditions are necessary relating to the restoration of the site including measures to ensure that no part of the restored land exceeds the pre-settlement contours, provision of seeding of restored areas details of the surface treatment and seeding mix of restored areas and ensuring that restoration accords with the provisions of the Restoration Masterplan (Nos. 20 and 21). For the same reason, conditions are also necessary requiring measures to deal with any differential settlement, submission and implementation of a restoration management plan, submission and implementation of details of under-soil and surface drainage for the restored land, and the implementation of restoration in the event of the early cessation of the development (Nos. 23, 24, 25 and 27).

106. In the interests of the conservation and enhancement of the natural environment, conditions are necessary requiring the submission and implementation of a Biodiversity/Landscape Management Plan and to ensure that no removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive (Nos. 28 and 33). For the same reasons, and also to protect ecological interests, a condition is necessary requiring the protection of legally protected species (No. 22).
107. In order to enable public observation of the flora and fauna at the site until such time as public access is permitted, a condition is necessary requiring the provision of monitoring cameras and livestreaming of the footage (No. 31). A condition is also necessary requiring the provision of public parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins to be installed prior to the public access of the restored site in order to maximise public enjoyment and protection of areas of biodiversity (No. 34).

Conclusion

108. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeals should be allowed.

Stephen Normington

INSPECTOR

ANNEX A

SCHEDULE OF CONDITIONS FOR APPEAL A (APP/Z1585/W/25/3370672)

Commencement

- 1) The development hereby permitted shall begin not later than three years from the date of this decision. Written notification of the date of commencement in accordance with this permission shall be sent to the Waste Planning Authority within 7 days of such commencement.

Cessation and restoration

- 2) Green waste composting operations, processing of oversize green waste compost arising from the green waste composting operations and waste wood processing shall cease and the site shall be restored by 31 December 2037. Restoration of the site shall include the demolition and/or removal of all stockpiles of processed and unprocessed materials, buildings, structures, plant and hardstandings and the site restored in accordance with the restoration scheme approved under planning permission ESS/49/14/BAS (or any subsequent amending planning permissions).

Approved Details

- 3) The development hereby permitted shall be carried out in accordance with the details of the application ref. ESS/57/24/BAS which includes the following drawings:
 - 3645-01-01 Statutory Plan Rev A
 - 3645-01-02 Site Layout Plan Rev A
 - 3645-01-03 Retained Compost Storage Building Details
 - 3645-01-04 Retained Welfare and WC Building Details
 - 3645-01-05 Retained Composting Office and Workshop Details
 - 3645-01-06 Retained Incoming and Outgoing Weighbridge Office Details

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

Hours of Operation

- 4) Operations authorised or required by this permission including: HGV movements; delivery of green waste / waste wood; handling, processing, bagging and export of compost, processing of oversize material and wood waste shall not occur outside the following times:

07:00 – 18:30 hours Monday to Friday

07:00 – 16:30 Saturdays

No operation of any kind shall take place on Sundays, Bank or Public Holidays and no operation of any kind shall occur outside these times except in cases of emergency which shall be notified to Waste Planning Authority within 14 days.

Control of operations/use

- 5) The site shall only be used for open windrow composting of green waste, storage of compost product, processing of oversize material arising from the open windrow composting of green waste and waste wood processing.
- 6) All unprocessed and processed material for composting shall be contained within the designated areas shown on Drawing No. 3645-01-02 Rev A; and all unprocessed and processed material and composting windrows shall not exceed 3 metres in height.
- 7) All unprocessed and processed stockpiles associated with the waste wood processing shall be contained within the designated areas shown on Drawing No. 3645-01-02 Rev A and stockpiles shall not exceed 3 metres in height.
- 8) Noise from the operations when measured at the nearest boundary of the Wat Tyler Country Park Marina shall not exceed at any time:
 - i. 45 dB LAeq 1 hour (free field) when the background noise level is less than or equal to 35 dB LA90:
 - ii. 10 dB LAeq above background noise level when the background noise level is between 35 and 45 dB LA90, or
 - iii. 55 dB LAeq 1 hour (free field) when the background noise level is equal to or greater than 45 dB LA90.

The background noise level shall be measured only when the composting facility and wood waste processing are not operational.

- 9) No more than 46,800 tonnes per annum of green waste and waste wood material shall be imported to the site annually. A written record of imports shall be maintained and provided to the Waste Planning Authority within 14 days of a written request.
- 10) No retail sales of composted material shall take place from the site.
- 11) The maximum number of daily HGV (above 3.5 tonnes GVW) vehicle movements associated with the development shall not exceed the following limits:

100 movements (50 in and 50 out) per day Monday to Friday
50 movements (25 in and 25 out) per Saturday
No movements on Sundays and Bank / Public Holidays
- 12) Within 12 months of the date of this permission, details of a new safe pedestrian crossing point between Wat Tyler Country Park and the restored landfill area will be submitted to the Waste Planning Authority for approval. The crossing will be constructed in accordance with the approved details and retained for the remaining period that the access road is in use.
- 13) Prior to commencement of development, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the [Preliminary Ecological Appraisal (FPCR,

September 2024)], shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

- 14) The use of external lighting shall be limited to the hours of operations as set out in condition 4.

ANNEX B

SCHEDULE OF CONDITIONS FOR APPEAL B (APP/Z1585/W/25/3370673)

- 1) The development hereby permitted shall be deemed to have commenced on the date of this decision notice.

For the purposes of this condition, the implementation of this planning permission (ref: ESS/49/14/BAS) supersedes planning permission ref: ESS/35/06/BAS.

- 2) Notification shall be provided in writing to the Waste Planning Authority within 7 days of the placement of soils on the last phase of the landfill.
- 3) The development hereby permitted shall be carried out in accordance with the details of the application dated 30 June 2006, and the mitigation measures set out in the accompanying Environmental Statement dated June 2006 prepared by AERC (Report Ref. 16063/R2328) and the following drawings:

- 16062/PA/01 - Location Plan
- 16062/PA/02 - Planning Application Boundary
- 16062/PA/03 - Environmental Information
- 16062/PA/04 - Utilities Plan
- 16062/PA/05 - Existing Situation
- 16062/PA/06 - Proposed Restoration Phases
- 16062/PA/07 - Proposed Pre-Settlement Contours
- 16062/PA/08 - Pre-Settlement Cross Sections
- 16062/PA/09 - Proposed Post-Settlement Contours
- 16062/PA/10 - Post-Settlement Cross Sections
- 16062/PA/14 - Existing Gas Management System
- 16062/PA/15 - Proposed Gas Management System
- 16062/PA/16 - Surface Water Management Plan
- 16062/PA/17 - Currently Approved Landform and Consequences

As amended by planning application ESS/49/14/BAS dated 10 November 2014 accompanied by Volume 1 – Planning Supporting Statement and Volume 2 - Environmental Statement both dated November 2014 and prepared by SLR and the following drawings:

- P/1 Site Context Plan dated June 2014
- P/2 Site Restoration dated June 2014 – defining restoration contours
- PIT/Res/405E Progressive Restoration Completed up to 2019 dated 16/01/2020
- PIT/RES/453 Projected Restoration 2020 dated 07/02/2020
- Figure 3 Revised Restoration Masterplan dated January 2018 – defining restoration habitat types

and the following amending letters and emails

- Letter from SLR dated 11 February 2015 and accompanying Heritage
- Statement
- Letter from SLR dated 27 May 2015 and accompanying Protection Measures
- for Protected Species dated October 2011
- Letter from SLR dated 9 June 2015
- Letter from Veolia dated 7th May 2020

And as amended by planning application ESS/15/25/BAS dated 25 February 2025 accompanied by a covering letter and the following drawings:

- 3645-01-S73-01 Statutory Plan
- 3645-01-S73-02 Defined Areas Plan

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the conditions 4 to 34 below.

- 4) Deposit of non-hazardous and inert materials for restoration shall cease by the 31 December 2025 and the site shall have been restored by 31 December 2027 in accordance with the scheme approved under Conditions 21 and 28, with the exception of the composting and waste wood processing area (as defined on drawing ref. 3645-01-S73-02), which shall be restored in accordance with the scheme approved under Conditions 21 and 28 by 31 December 2037. Each phase of restoration shall be the subject of aftercare for a period of 5 years in accordance with a scheme approved under Condition 24 of this planning permission.
- 5) Any building, plant, machinery, foundation, hard standing, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed and in any case not later than 30 June 2027 and the land restored in accordance with the restoration scheme approved under Condition 21 of this permission by 31 December 2027. This excludes buildings, equipment and hardstanding in the composting and waste wood processing area (as defined on drawing ref. 3645-01-S73-02), which shall be removed and the land restored in accordance with the approved restoration scheme no later than 31 December 2037.
- 6) Operations authorised by this permission, including vehicles entering or leaving the site, shall be restricted to the following durations:

0730 hours to 1830 hours Monday to Saturday

and shall not take place on Sundays or Bank or Public Holidays, other than as indicated below:

The site may open solely for the receipt of Local Authority Collected Waste arising from within the administrative areas of Essex and Southend between the following hours:

0800 hours to 1600 hours Sundays, Bank Holidays and Public Holidays.

For the purposes of this condition, vehicles shall not be considered to have entered the site until they have passed the weighbridge.

- 7) The total number of Heavy Goods Vehicles (a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

1100 movements (550 in and 550 out) per day (Monday to Saturday)

No HGV movements shall take place outside the hours of operation authorised in Condition 6 of this permission.

A written record shall be maintained by the operators of all HGV movements in and out of the site. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement and the total HGV movements for each day. The records shall be made available for inspection by the Waste Planning Authority within 14 days of a written request.

- 8) All plant, equipment and machinery shall only operate during the hours permitted under Condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.
- 9) Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations adjoining the site as set out below shall not exceed 55 dB LAeq 1hr.

- Boundary with Wat Tyler Country Park monitoring location ML2
- Boundary with RSPB Bowers Marsh Reserve monitoring location ML6

(Monitoring Locations as identified on drawing 16063/NS/02 dated June 2006.)
Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

- 10) For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at noise sensitive locations as set out in Condition 9 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous duration 12-month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operations. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Waste Planning Authority in advance of such a temporary activity taking place.

- 11) Noise levels shall be monitored upon request by the Waste Planning Authority at no greater frequency than three monthly intervals from the date of the commencement of development at the noise sensitive locations set out in Condition 9. The results of the

monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out.

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

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

- 18) All topsoil, subsoil and soil making material shall be retained on the site for restoration purposes.
- 19) Prior to placement of soils on unrestored areas details of the soil type and soil depths shall be submitted to and approved in writing by the Waste Planning Authority. The restoration shall be carried out in accordance with the approved details.
- 20) Upon the completion of restoration including capping materials, no part of the restored land shall exceed the pre-settlement contours as shown on drawing number reference 16063/ES/A2 dated June 2006. Within 6 months of the date of this planning permission a levels survey at 0.5m contours for the whole site shall be submitted to demonstrate that the restored areas have not exceed the presettlement levels as shown on drawing 16063/ES/A2 dated June 2006.
- 21)
 - a) The site shall be restored in accordance with the "Restoration Masterplan" (Report Ref. 78880011/R3241) dated December 2008 prepared by AMEC and drawing Ref. No. 7888001186/PRMP/02 Rev A dated December 2008 as amended by Figure 3 Revised Restoration Masterplan dated January 2018.
 - b) Prior to seeding of restored areas details of the surface treatment and seeding mix to be created in accordance with the Restoration Masterplan approved under Condition 21(a) above shall be submitted to and approved in writing by the Waste Planning Authority. The seeding details shall include seed mixes, species, spacing, protection measures and a programme of implementation. The seeding details shall be implemented within the next available seeding season following approval of the details. The planting shall be maintained in accordance with the approved details in accordance with Condition 25 of this permission. The final phase of the landfill area (as defined on drawing ref. 3645-01-S73-02) to be restored shall be completed in accordance with the approved details by 31st December 2027. Restoration of the composting and waste wood processing area (as defined on drawing ref. 3645-01-S73-02) shall be completed in accordance with the approved details by 31 December 2037.
- 22) Protection and mitigation for legally protected species shall be in accordance with "Protection Measures for Protected Species" (Ref R4142) dated October 2011 prepared by AMEC.
- 23) In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant, where required in writing by the Waste Planning Authority, shall fill the depression with suitable imported soil forming material, to a specification submitted and approved in advance in writing by the Waste Planning Authority.
- 24) A Restoration Management Plan shall be prepared within 12 months of the date of this planning permission. The Restoration Management Plan shall detail the steps that are necessary to achieve the restoration afteruses and habitats as shown on Figure 3 Revised Restoration Masterplan dated January 2018. The Restoration Management Plan shall:
 - a) Provide an outline strategy detailing the steps necessary to bring the land to the standard required for the restoration afteruses and habitats as shown on

Figure 3 Revised Restoration Masterplan dated January 2018 for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme.

- b) Provide for a detailed annual programme of care to be submitted to the Waste Planning Authority not later than two months prior to the annual Aftercare meeting.
- c) Unless the Waste Planning Authority approved in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

- 25) Under-soil drainage and associated surface drainage for the restored land shall be installed in accordance with details submitted to and approved in writing by the Waste Planning Authority. The need for under drainage shall be assessed as part of the aftercare details required in condition 25.

The development hereby permitted shall be implemented in accordance with the soil drainage and associated surface drainage for Areas A (part), B, C, D, F (part) and H (part) details approved on 4 January 2011 under condition 28 of planning permission ESS/35/06/BAS. The approved soil drainage and associated surface drainage details are set out in set out in the application for approval of details reserved by condition dated 8 October 2010 and the letter dated 26 August 2010 and drawing no. PIT/ENG/307.

- 26) As set out within the application details for planning application ESS/49/14/BAS, there shall be no development of the Mechanical Biological Treatment (MBT) facility as previously shown on drawing references PIT/PPC/978 and PIT/PPC/980.
- 27) In the event of a cessation of the deposit of non-hazardous or inert waste for a period in excess of 18 months prior to the achievement of the completion of the approved restoration scheme, as referred to in Condition 21, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within 24 months of the cessation of the deposit of waste the revised scheme of restoration and aftercare shall be implemented in accordance with the revised approved scheme.
- 28) Within 12 months of the date of this planning permission a Biodiversity/Landscape Management Plan shall be submitted to and approved in writing by the Waste Planning Authority for the areas shown on the Restoration Master Plan dated December 2008 (drawing Number 7888001186/PRMP/02 Rev A) identified as "Existing semi-natural habitat" and "Screen Planting". The Plan shall include:
 - a) A description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;

- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives of the project;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) On-going monitoring and remedial measures
- i) The plan shall cover the period until completion of the aftercare period on all phases of the Landfill.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development hereby permitted shall be implemented in accordance with the approved Biodiversity/Landscape Management Plan.

- 29) The surfaced section of the access road from the junction with Pitsea Hall Lane to the weighbridge shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.
- 30) Within 3 months of the date of this permission details of the material used to form the surface of the access and monitoring tracks across restored areas shall be submitted to and approved in writing by the Waste Planning Authority. For clarification materials used shall not be permitted to contain plastics, wood (except compost oversize) or metals.
- 31) Within 3 months of the date of this permission a scheme for the provision of at least 4 monitoring cameras on the site shall be submitted to and approved in writing by the Waste Planning Authority. The cameras shall provide for the observation of flora and fauna on the restored areas of the site. The footage from the cameras shall either be available as a live feed via a website or the highlights of the footage shall be made available through a website which shall be updated every month following installation of the cameras. The cameras shall be maintained in working order and the footage maintained on a website until such time as the site is made available for access by the public.
- 32) All stones and other materials including plastics in excess of 100mm in any dimension shall be picked and removed from the final restored surface and become viewable during the aftercare period.
- 33) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed and/or appropriate measures are in place to protect nesting bird interest on site. Any such written confirmation or ecological assessment shall be submitted to the Waste Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

- 34) Prior to first public access to the site to submit details for approval by the Waste Planning Authority of parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins. The parking areas, fencing, interpretation boards, signage, seating, picnic tables and waste bins shall be installed in accordance with approved details prior to first public access.