

ESSEX COUNTY COUNCIL

**Town and Country Planning Act 1990 (as amended)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
ORDER 2015
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017**

In pursuance of the powers exercised by it as County Planning Authority, Essex County Council has considered an application to carry out the following development:

Development of an Energy Recovery Facility, ancillary office block and associated infrastructure on land to the South of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, Essex. At Land to the south of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, SS13 1DN

and in accordance with the said application and the plan(s) accompanying it, hereby gives notice of its decision to REFUSE PERMISSION FOR the following reasons:

1. The proposed development, by reason of its scale and form, would cause an over-development and industrialisation of the location causing harm to the visual amenity of neighbouring residential areas and therefore contrary to Policies E7 and E10 of the Basildon District Local Plan Saved Policies Document (2007) and Policy 10 of the Essex and Southend Waste Local Plan (2017), National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF).
2. There is inadequate information to demonstrate the development would not harm the physical and mental wellbeing of residents living within the vicinity of the site, contrary to Policies E7 and E10 of the Basildon District Local Plan Saved Policies Document (2007) and Policy 10 of the Essex and Southend Waste Local Plan (2017), the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF).
3. There is inadequate information to demonstrate the development would not harm biodiversity, including from airborne emissions, and is therefore contrary to Policy C1 of the Basildon District Local Plan Saved Policies Document (2007) and Policy 10 of the Essex and Southend Waste Local Plan (2017), the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF), and:
4. That inadequate pre-application engagement has taken place and should have been carried out over a wider area, given the nature of the proposal.

REASON FOR REFUSAL

The proposal is considered unacceptable having been assessed in the light of all material considerations, including weighting against the policies of the development plan listed below:

Relevant policies in the Essex and Southend Waste Local Plan (2017):

Policy 10 "Development Management Criteria".

Relevant policies in the Basildon District Local Plan Saved Policies Document (2007):

Policy C1 "Protected Areas".

Policy E7 "Alternative Uses of Industrial Premises".

Policy E10 "General Employment Policy".

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

The proposed development would not be located adjacent to/within distance to a European site.

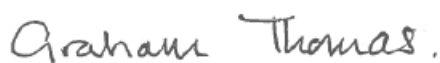
Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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

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

Dated: 03 July 2024
COUNTY HALL
CHELMSFORD

Signed



Graham Thomas - Head of Planning Service

IMPORTANT - ATTENTION IS DRAWN TO THE NOTES ON THE NEXT PAGE

NOTES

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> .If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.