

# Minutes



To: All Members of the  
Development Control  
Committee, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Deborah Jeffery  
Ext: 25563

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## **DEVELOPMENT CONTROL COMMITTEE 20 DECEMBER 2017**

### **ATTENDANCE**

#### **MEMBERS OF THE COMMITTEE**

D J Barnard, S J Boulton, D S Drury, M A Eames-Peterson (*substitution for E M Gordon*), J S Hale, A J S Mitchell (*substitution for D Andrews*), M D M Muir (Vice-Chairman), S Quilty, I M Reay (Chairman), A D Williams

#### **OTHER MEMBERS IN ATTENDANCE**

D A Ashley, P Bibby, T W Hone, T R Hutchings, P V Mason, M B J Mills-Bishop

Upon consideration of the agenda for the Development Control Committee meeting on 20 December 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

T R Hutchings declared an interest in this item of business due to being Deputy Leader of Broxbourne Borough Council. P V Mason declared an interest in this item of business due to being Member of the Rattys Lane Action Group. M B J Mills-Bishop declared an interest in this item of business due to being Leader of Broxbourne Borough Council.

#### **CHAIRMAN'S ANNOUNCEMENTS**

Prior to the commencement of the meeting the Chairman read out the following statement:

The meeting today is to consider the planning application for the development of a recycling and energy recovery facility on land at Rattys Lane, Hoddesdon.

Members will need to consider this matter taking into account the County Council's function and interests as Waste Planning Authority only and must consider the application with an open mind taking into account all relevant planning considerations in relation to the application before them.

#### **PART I ('OPEN') BUSINESS**

**MINUTES**

**ACTION**

The minutes of the Committee meeting held on 8 December 2017 were confirmed as a correct record.

Democratic  
Services

## **PUBLIC PETITIONS**

There were no public petitions.

1. **APPLICATION FOR PROPOSED DEMOLITION OF BUILDINGS AND STRUCTURES ASSOCIATED WITH EXISTING RAIL AGGREGATES USE AND CONSTRUCTION AND OPERATION OF AN ENERGY RECOVERY FACILITY FOR THE TREATMENT OF MUNICIPAL, COMMERCIAL AND INDUSTRIAL WASTES; IMPORTATION, STORAGE AND TRANSFER OF LOCAL AUTHORITY COLLECTED HEALTHCARE WASTE TOGETHER WITH ANCILLARY INFRASTRUCTURE INCLUDING ADMINISTRATION/VISITOR CENTRE; INCINERATOR BOTTOM ASH STORAGE SHED; GRID CONNECTION COMPOUND; CAR, HGV, BUS AND VISITOR PARKING AREAS; RAIL SIDINGS IMPROVEMENTS; WEIGHBRIDGES AND WEIGHBRIDGE OFFICE; 2 PORTACABIN OFFICES; SPRINKLER TANK AND PUMP ROOM; DRAINAGE CONNECTION TO RIVER LEE; SECURITY FENCING; LANDSCAPING AND HIGHWAY IMPROVEMENTS TO RATTYS LANE AT LAND AT 2, RATTY'S LANE, HODDESDON, EN11 0RF**

[Officer Contact: Rob Egan Tel: 01992 556224

- 1.1 The Committee considered planning application reference 7/0067-17 for the proposed demolition of buildings and structures associated with existing rail aggregates use and construction and operation of an energy recovery facility for the treatment of municipal, commercial and industrial wastes; importation, storage and transfer of local authority collected healthcare waste together with ancillary infrastructure including administration/visitor centre; incinerator bottom ash storage shed; grid connection compound; car, HGV, bus and visitor parking areas; rail sidings improvements; weighbridges and weighbridge office; 2 portacabin offices; sprinkler tank and pump room; drainage connection to River Lee; security fencing; landscaping and highway improvements to Ratty's Lane at land at 2, Ratty's Lane, Hoddesdon, EN11 0RF.

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- 1.2 Members were made aware that a letter had been received from the Secretary of State, directing the Council not to grant permission on this application without specific authorisation, under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, to enable him to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the application should be referred to him for determination. However, this direction did not prevent the Committee from considering the application or forming a view as to the outcome. It was clarified that the application could be refused without referral to the Secretary of State.
- 1.3 The establishment of an Energy Recovery Facility (ERF) would allow the Council, in its role as Waste Disposal Authority, to deal with all residual Local Authority Collected Waste (LACW) within the county. The Committee were reminded that residual waste was the element of LACW that was left after all efforts were made to remove re-usable and recyclable elements. At present, this waste was either sent to landfill sites for disposal, currently at Buckinghamshire and Cambridgeshire, or was exported from the county for incineration at alternative facilities. (The current landfill site in Hertfordshire would close in 2023).
- 1.4 The proposed ERF would allow the residual waste to be moved up the waste hierarchy when compared to landfill as it would facilitate the production of renewable energy. The ERF would have a nominal annual capacity of 320,000 tonnes of residual waste, with a maximum of 350,000 tonnes. The proposal had been developed with future forecasts taken into consideration. However, if there was a shortfall in the short-term, this would be made up with commercial and industrial waste. It was noted that the anticipated energy produced by the ERF would provide enough energy for 69,000 homes.
- 1.5 The Committee heard of the objections received to the proposed ERF, as detailed at section 4 of the report, in particular the many regarding the impact of increased numbers of HGVs on the local highway network. However, it was noted that during both the construction and operation of the ERF the changes to the operation of the local highway network from the vehicles would not be significant. In addition, there would be a negligible impact upon 17 out of 18 identified receptors, although the moderate effect would be at the site entrance itself. However, this was on a private road with relatively low existing usage and the effect, was therefore considered not to be significant. Road safety had also been considered, with the conclusion that there would be a negligible effect on road safety as a result of the development. Pedestrian and cyclist safety and amenity would also not be significantly affected by the proposal.

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- 1.6 With regards to the landscape, it was noted that the development would have an adverse impact upon the adjacent water corridor, with this being the primary concern of the Lee Valley Regional Park Authority and the Canal and Rivers Trust. Despite this, the development would be seen in the context of an industrial landscape that follows the line of the River Lee along its western bank as well as other developments in the vicinity of the site. Members heard that section 106 contributions would assist in providing mitigation for the adverse impact upon the landscape. Members heard about objections received from Lea Valley Growers and United Kingdom Without Waste.
- 1.7 Since the publication of the report and the Order Paper, the Committee noted that confirmation had been received that Stort Valley Meadowlands project had been unsuccessful in receiving lottery funding. Consequently, there was no longer a need for the section 106 agreement to cover funding for that project.
- 1.8 Members also heard, that although not covered within the Committee report, the Council's Rights of Way section had negotiated with the applicant in respect of the diversion of Hoddesdon Footpath 59. The definitive route follows an old disused route along a former course of the river, though this is not used, and is proposed to formalise this by diverting it (the definitive route) on to the route of the existing towpath. This was to be included within the proposed section 106 agreement.
- 1.9 Prior to questions and debate, the Committee was addressed by 12 speakers; Mr Douglas Cooper, representing Broxbourne Borough Council, opposing the application; Mr Stephen Wilkinson, representing Lee Valley Regional Park Authority opposing the application; Councillor Mary Sartin, representing Epping Forest District Council, opposing the application; Ms Sue Clarke representing Nazeing Parish Council, opposing the application; Mr Nicholas Cox, representing Stanstead St. Margaret's Parish Council, opposing the application; Ms Bette Hindmarch, representing The Hoddesdon Society, opposing the application; Mr Leo Merhemitch, representing businesses on Hoddesdon Business Park, opposing the application; Mr Lee Stiles, representing Lee Valley Growers Association, opposing the application; Mr Jim Metcalf, representing Rattys Lane Action Group, opposing the application; Mr Tom Culley, representing Broxbourne Borough Council Youth Council, opposing the application; Councillor Lewis Cocking, representing Broxbourne Borough Council, opposing the application; Dr John Webb representing Herts Without Waste, opposing the application and Mr Nick Hollands spoke on behalf of the applicant in support of the application.

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- 1.10 Members raised concern with regard to the air quality should the ERF fail. In response it was noted that Veolia had a series of safety and control systems within the ERF design; and they always kept spare equipment onsite to cope with repairs. The two line design enabled the process to continue so the facility could receive and safely process waste. Concern was also raised with regards to odour; however it was noted that the facility would have an odour suppression facility onsite.
- 1.11 The local Member T R Hutchings spoke strongly in opposition to the application, highlighting congestion issues, traffic, air pollution, odour, bio diversity that needs addressing, weaknesses within the application; monstrosity of site. Councillors P V Mason and M B J Mills-Bishop both spoke strongly in opposition to the application, including the inappropriateness of the site, adverse impact on traffic, the environment, due planning process, sustainability and planning policy.
- 1.12 Following questions from Members, it was noted that:
- no objections had been received from the County Council Public Health Service, however, they had requested the condition that required certain safeguards be put in place in terms of monitoring during the construction period, which was considered to be a reasonable request;
  - the Council's consultants ARUP confirmed that all emission predictions were below the required health base limits. They also confirmed that the impact of the plume and the heavy goods vehicles that would be using the roads and residential areas had been considered for public health risks when their assessment had been carried out;
  - in enabling the Council to deal with all of its waste arisings, as set out in the Joint Municipal Waste Management Strategy, a great deal of emphasis was placed on the Council as Waste Planning Authority and Waste Disposal Authority, so there was an overall need to provide a facility such as this. Locating it in Hertfordshire met the proximity principal of dealing with waste as close as possible to its origins without the need to export it out of county increasing the mileages;
  - the advantages of providing an ERF within the county: instead of disposing of waste, it was going to be a recovery facility, estimated to provide enough energy for 69000 homes so there are significant sustainable advantages instead of landfilling the material. The Council currently sends waste out of county for similar incineration processes

so although Rattys Lane is in the eastern boundary of the county, it is still a reasonably central location that would allow material to be moved shorter distances than currently exist;

- with regards to HGVs accessing the site; a proposed signalisation was currently being considered in negotiation with adjacent businesses along Rattys Lane, to ensure no one was adversely affected by HGVs accessing the site but ultimately, the priority would be given to HGVs entering the site. The applicant had however confirmed there was enough space on the site for those HGVs to wait onsite, therefore causing no disruption onto Rattys Lane;
- In terms of waste water from the site, this would be recycled as part of the process

1.13 During debate Members:

- heard that policy 3 of the Waste Core Strategy promoted recovery of heat and or power in treating residual local authority collected waste;
- commented that there would be a moderate adverse visual impact;
- commented on the adverse numbers of extra HGV movements during construction and operation, however were referred to items 9.15 and 9.20 of the report, which clarified numbers;
- heard that although the Ratty's Lane site was not within any of the preferred areas designated by the Council within its Waste Core Strategy, the site offered a sustainable location on Previously Developed Land that also consisted of a designated employment site. The applicants had gone through an alternatives sites assessment and ultimately arrived at Rattys Lane as being the most viable solution for an ERF. This development met the criteria within the Waste Core Strategy.
- noted it was not for the Planning Authority to tell applicants where to make their planning requests;
- noted that incineration costs were much more financially beneficial than landfill costs.

- 1.14 The Committee agreed the following amendments to conditions 12 and 13:

Condition 12: Removal of the word 'working' highlighted below:

- 12 Unless otherwise agreed in writing in advance by the Planning Authority, there shall be no more than 268 Heavy Goods Vehicle (HGV) movements (134 in, 134 out) at the site in any one **working** day. For the purposes of this condition, a HGV is defined as being a vehicle that is over 7.5 tonnes gross weight.

Reason: To ensure the free and safe flow of traffic along the public highway is maintained in the vicinity of the site.

Condition 13: the following to be added below 'whether or not they are depositing waste at the site'

13. Except where required to do so by the emergency services, no HGVs shall travel to or from the site in the direction of Essex Road south / Dobbs Weir Road, **whether or not they are depositing waste at the site**. All HGVs, other than direct deliveries from the Broxbourne District and the Household Waste Recycling Centre along Pindar Road, shall approach and depart the site via the Dinant Link Road and the A10 (refer to Figure 7-1/01 in the Transport Assessment).

Reason: To ensure that HGVs route along sections of the highway which have been modelled and found suitable to accommodate development traffic.

- 1.15 Following a vote by show of hands, the application was supported. (7 For : 3 against).

### **RESOLVED**

- 1.16 That planning permission be granted subject to the following conditions and heads of terms, subject to the Secretary of State not wishing to call the application in for his decision.

### **Section 106 Agreement Heads of terms**

1. A commitment to ensure that all IBA is removed by rail to a dedicated facility to enable it to become secondary aggregate within 12 months of the operations commencing on site.
2. A financial contribution of £750,000 to assist in funding access improvements into Essex Road.

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3. A requirement to install pedestrian dropped kerbs and tactile paving at the western end of the Essex Road/Pindar Road junction.
4. A commitment to review future CHP opportunities and viability of connection of such a facility to end users.
5. A financial contribution towards visitor infrastructure improvements within the Nature Improvement Area at Glen Faba.
6. A financial contribution towards improvements to the towpath between the Ratty's Lane access and Rye House railway station;
7. Diversion of Footpath 59 in order that it follows the canal towpath.

### **Conditions**

#### **Time Limit**

1. The development to which this planning permission relates shall be begun no later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Act 1990 (as amended).

#### **Approved Plans**

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing:

Planning Application Supporting Statement with accompanying appendices – December 2016  
Environmental Statement with accompanying documents, plans and appendices – December 2016  
Environmental Statement Non Technical Summary – December 2016  
Regulation 22: Further Information & Post-Submission Changes to the Planning Application – August 2017  
Site Location Plan – 60493630-PA01 Rev 02  
Planning Application Boundary Plan – 60493630-PA02 Rev 05  
Existing Layout Plan – 60493630-PA03  
Existing Site Topography Sheet 1 of 4 – 60493630-PA04.1 Rev 0  
Existing Site Topography Sheet 2 of 4 – 60493630-PA04.2 Rev 0

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Existing Site Topography Sheet 3 of 4 – 60493630-PA04.3 Rev 0.1

Existing Site Topography Sheet 4 of 4 – 60493630-PA04.4 Rev 0.1

Proposed Layout General Arrangement –  
152030\_DC\_RY\_SW\_GA\_C\_101 Rev D

Proposed Levels Sheet 1 of 2 –  
152030\_DC\_RY\_SW\_GA\_C\_105 Rev A

Proposed Levels Sheet 2 of 2 –  
152030\_DC\_RY\_SW\_GA\_C\_106 Rev B

Energy Recovery Facility Ground Floor Plan – P2-000 Rev 7

Energy Recovery Facility Tipping Hall Level – P2-030 Rev 6

Energy Recovery Facility Roof Plan – P4-001 Rev 5

Administration/Visitor Centre Level 000 Floor Plan – P2-003 Rev 3

Administration/Visitor Centre Level 001 Floor Plan – P2-004 Rev 3

Administration/Visitor Centre Level 002 Floor Plan – P2-005 Rev 3

Administration/Visitor Centre Level 003 Floor Plan – P2-006 Rev 3

Administration/Visitor Centre Level 004 Floor Plan – P2-007 Rev 3

Administration/Visitor Centre Level 005 Floor Plan – P2-008 Rev 3

Administration/Visitor Centre Level 006 Floor Plan – P2-009 Rev 3

Administration/Visitor Centre – Proposed Section – P5-001 Rev 4

Proposed Site Sections Sheet 1 –  
152030\_DC\_RY\_SW\_GA\_C\_116 Rev B

Proposed Site Sections Sheet 2 –  
152030\_DC\_RY\_SW\_GA\_C\_117 Rev C

Proposed Elevations North Eastern Façade – P3-001 Rev 7

Proposed Elevations South Western Façade – P3-002 Rev 7

Proposed Elevations North Western Façade – P3-003 Rev 6

Proposed Elevations South Eastern Façade – P3-004 Rev 6

Weighbridge Office Building Floor Plan and Elevations – P2-1000 Rev 5

Proposed IBA Building Floor Plan and Elevations – P2-2000 Rev 2

Outline Landscape Scheme – 60493630-PA05 Rev B

Proposed Drainage Layout –  
152030\_DC\_RY\_SW\_GA\_C\_102 Rev D

Preliminary External Lighting Layout – 9233-SES-XX-XX-DR-X-E-TDSK2 Rev P3  
Ratty’s Lane General Arrangement Sheet 1 – 60493630-PA09 Rev F  
Ratty’s Lane General Arrangement Sheet 2 – 60493630-PA09 Rev F  
Vehicle Tracking Sheet 1 of 2 – 152030\_DC\_RY\_SW\_GA\_C\_113 Rev D  
Vehicle Tracking Sheet 2 of 2 – 152030\_DC\_RY\_SW\_GA\_C\_114 Rev B  
Ratty’s Lane Traffic Signal General Arrangement Sheet 1 – 60493630-PA09 Rev F

Reason: For the avoidance of doubt.

**Landscaping**

3. Within 12 months of the commencement of the development, a detailed landscape management plan and biodiversity enhancement scheme, including details of native species mitigation planting, maturing of vegetation, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to, and approved by, the Local Planning Authority. The submitted details shall include a biodiversity enhancement scheme. The development shall be carried out in accordance with the approved details.

Reason: To mitigate the impact of the development on visual receptors, to enhance visual integration within the landscape, to reduce the impact on ecology, to enhance biodiversity, and to comply with NPPF requirements for good design, conserving and enhancing the natural environment. To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site. This is in line with National Planning Policy Framework (NPPF) policy to provide a net gain in biodiversity.

4. Within 12 months of the commencement of development, details of all hard landscaping areas, and the materials to be used within these, shall be submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

**Materials**

- 5. Within 12 months of the commencement of development, full details of the materials to be used on the exterior of all buildings shall be submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

**Lighting**

- 6. Within 12 months of the commencement of development, details of a lighting strategy, showing both the internal and external lighting of the ERF, shall be submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved details and maintained for the duration of the development.

Reason: To ensure that the lighting of the ERF does not result in a visual impact that adversely affects amenity.

**Highways**

- 7. Prior to the commissioning of the ERF, all access and junction arrangements serving the development shall be completed in accordance with the approved in principle plans, drawing numbers 152030/DC/RYSW/GA/C/101 Revision D and 152030/DC/RYSW/GA/C/106/Rev B (both in the revised Appendix 11.1 document) and constructed to the specification of the Highway Authority and the Planning Authority's satisfaction.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

- 8. Concurrent with construction of the access, visibility plays as shown on Drawing Number 152030/DC/RYSW/SK/C/107 Revision A (Transport Responses Letter) shall be provided and permanently maintained, within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

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Reason: To provide adequate visibility for drivers entering or leaving the site.

9. Prior to the commissioning of the ERF, the proposed signalisation scheme along Ratty's Lane, as shown indicatively on Drawing Number 60493630-PA09 Revision F (revised Appendix 11.1 document) and as outlined in the text of the 'Transport Responses Letter' dated 19<sup>th</sup> May 2017, shall be completed and be fully operational to the satisfaction of the local planning authority. This shall be maintained for the duration of the development.

Reason: In the interest of the free and safe flow of traffic along Ratty's Lane and the wider highway network.

10. Before commencement of the development, the proposed extension to the parking restrictions along Ratty's Lane in the form of double yellow lines and signage, as shown indicatively on Drawing Number 60493630-PA09 Revision F (revised Appendix 11.1 document), shall be completed and be fully operational to the satisfaction of the local planning authority. This shall be maintained for the duration of the development.

Reason: In the interest of the free and safe flow of traffic along Ratty's Lane and the wider highway network.

11. Within 12 months of the commencement of the development, additional plans shall be submitted to, and approved in writing by, the local planning authority to show the detailed surface improvement works to Ratty's Lane. The works shall be completed to the satisfaction of the Planning Authority prior to the commissioning of the ERF and they shall be thereafter maintained for the duration of the development.

Reason: In the interest of sustainable travel, to ensure a good quality surface for pedestrians walking to and from the site.

12. Unless otherwise agreed in writing in advance by the Planning Authority, there shall be no more than 268 Heavy Goods Vehicle (HGV) movements (134 in, 134 out) at the site in any one day. For the purposes of this condition, a HGV is defined as being a vehicle that is over 7.5 tonnes gross weight.

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Reason: To ensure the free and safe flow of traffic along the public highway is maintained in the vicinity of the site.

13. Except where required to do so by the emergency services, no HGVs shall travel to or from the site in the direction of Essex Road south / Dobbs Weir Road, whether or not they are depositing waste at the site. All HGVs, other than direct deliveries from the Broxbourne District and the Household Waste Recycling Centre along Pindar Road, shall approach and depart the site via the Dinant Link Road and the A10 (refer to Figure 7-1/01 in the Transport Assessment).

Reason: To ensure that HGVs route along sections of the highway which have been modelled and found suitable to accommodate development traffic.

14. Before the development is first brought into use, all on site vehicular areas, including internal access roads and parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with Drawing Numbers 152030/DC/RYSW/GA/C/101/D and 152030/DC/RYSW/GA/C/102/D (both in the revised Appendix 11.1 document) and carried out in a manner to the satisfaction of the local planning authority. These shall thereafter be maintained for the duration of the development.

Reason: To ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

15. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development, to include cleaning the wheels of all construction vehicles leaving the site.

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

16. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to, and approved in writing by, the local planning authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan, unless otherwise agreed by the local planning authority. The 'Construction Traffic Management Plan' shall identify details of:
- The phasing of construction and proposed construction programme;
  - The methods for accessing the site, including wider construction vehicle routing;
  - The numbers of daily construction vehicles including details of their sizes, at each phase of the development;
  - The hours of operation and construction vehicle movements;
  - Any highway works necessary to enable construction to take place;
  - Construction vehicle parking, turning and loading/unloading arrangements clear of the public highway;
  - Hoardings;
  - The management of traffic to reduce congestion, including the management of traffic and temporary signalisation along Ratty's Lane;
  - The provision of appropriate warning signage;
  - The provision for addressing any abnormal wear and tear to the highway;
  - Consultation with local businesses or neighbours;
  - Any other Construction Sites in the local area;
  - Waste management proposals.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

### **Health and Air Quality**

17. Prior to the commencement of development, details of air quality monitoring for the construction phase of the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details should include the monitoring of dust and particulate matter, including PM<sub>2.5</sub>. Monitoring locations should take account of likely receptors in relation to the facility itself and the vehicle movements associated with its construction. The approved details shall be maintained for the duration of the construction and the results of air

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quality monitoring should be supplied to the Local Planning Authority on a monthly basis.

Reason: To ensure that the construction of the development does not result in significant adverse impacts upon air quality.

18. Best practical means shall be taken at all times to ensure that Non-Road Mobile Machinery (NRMM) used during the construction of the ERF complies with the requirements for outer London, detailed in paragraphs 7.6 and 7.7 of the Greater London Authority's Supplementary Planning Guidance (The Control of Dust and Emissions During Construction and Demolition). Details of non-compliant NRMM should be provided to the local planning authority prior to it arriving on site.

Reason: To ensure that the construction of the development does not result in significant adverse impacts upon air quality.

19. All HGVs accessing the site during the operation of the ERF that are under the direct control of the operators of the ERF shall be Euro 5 or Euro 6 (or cleaner) in terms of their emissions.

Reason: To ensure that the operation of the development does not result in significant adverse impacts upon air quality, and to ensure that optimum fuel efficiencies are maintained.

20. Prior to the commencement of development, details of sustained community engagement shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall include:

- a. the establishment of a Community Liaison Group (CLG);
- b. the timings and frequency of CLG meetings; and
- c. establishment of a community complaints procedure as an early action.

Each of these shall be maintained for the duration of the development.

Reason: To ensure that there is a continued relationship with local community groups, thus ensuring that any wellbeing concerns can be relayed to the operators of the development.

**Odour**

21. Prior to the commissioning of the ERF, an Odour Management Plan shall be submitted to, and approved by, the local planning authority.

Reason: To ensure that the operation of the development does not result in odour that would affect amenity.

**External Storage of Goods**

22. Unless otherwise approved in writing by the local planning authority, there shall be no external storage of uncontained waste materials on site.

Reason: In the interests of local amenity.

**Drainage and Hydrology**

23. No development shall take place until a full final detailed drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full detailed engineering drawings of all the proposed SuDS measures in line with the latest edition of the SuDS Manual by CIRIA, and any amendments required to the whole area contained within the red boundary that may affect the surface water management. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that sufficient drainage measures are employed within the site.

24. Prior to the first delivery of waste to the site, a detailed drainage layout supported by engineering drawings of all drainage components as built, and a management and maintenance strategy must be submitted to, and approved by, the Local Planning Authority. The management and maintenance plan shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime, and this shall be adhered to for the lifetime of the development.

Reason: To ensure that sufficient drainage measures are employed within the site.

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25. The submitted flood risk assessment (FRA); 'Rye House Energy Recovery Facility, Hoddesdon, Hertfordshire; Flood Risk Assessment Final Report, August 2017' prepared by AECOM Infrastructure & Environment UK Ltd for Veolia Environmental Services Ltd, and associated plans demonstrate that finished floor levels of the Energy Recovery Facility (ERF) building shall be set no lower than 29.04mAOD, which ensures a 300mm freeboard above the modelled 1 in 100 year 25% flood level to protect the development from flooding. The development should be carried out in accordance with this FRA.

Reason: To protect the development from flooding.

26. Other than the demolition of existing structures, no development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the county council. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.  
Any changes to these components require the written

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consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect groundwater. The site is located in a vulnerable groundwater area within a Source Protection Zone 2 (SPZ2). This condition will ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

- 27.** Prior to the first delivery of waste to the site, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

- 28.** Other than the demolition of existing structures, the development hereby permitted shall not commence until a monitoring and maintenance plan with respect to groundwater contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the groundwater monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the site does not pose any risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework.

- 29.** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing

with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: No investigation can completely characterise a site. This ensures that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

- 30.** A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the first delivery of waste to the site.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework.

- 31.** Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework and Position Statement G1 – Direct Inputs to Groundwater of the Environment Agency’s Groundwater Protection: Principles and Practice.

- 32.** No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the

approved details.

Reason: Infiltration through contaminated land and soakaways act as preferential pathways for contaminants to have the potential to impact on groundwater quality.

- 33.** There shall be no discharge of surface water into the River Lee until further details of the proposed site drainage and how this discharges into the River Lee, together with pollution control systems, have been submitted to, and agreed by, the local planning authority. These details shall be maintained for the duration of the development and shall include:
- i. the selected separators are of the type specified and are sized in accordance with PPG3 (shown via submitted calculations);
  - ii. adequate silt storage is provided for;
  - iii. adequate sedimentation tanks and/or ponds;
  - iv. sufficient access points in the design is provided to allow for inspection and cleaning of the interceptors' internal chambers;
  - v. the separators are labelled above ground;
  - vi. there is an adequate maintenance procedure for the separators;
  - vii. the surface water pipework is constructed of material that will prevent the permeation of contaminants from the soil and groundwater into the surface water drainage system.
- 34.** Except where approved in accordance with the site drainage details approved under Condition 33:
- No surface water (either via drains or surface water run-off) or extracted perched water or groundwater is allowed to be discharged into the canal during the demolition/construction works.
  - Any existing surface water drains connecting the site with the river shall be immediately capped off at both ends for the duration of the demolition & construction works – i.e. at the point of surface water ingress and at the river outfall.

Reason: To ensure that discharges into the River Lee are carried out in an appropriate manner and that there is no pollution of the River Lee as a consequence of the development.

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35. Prior to the occupation of the proposed development, an Emergency Plan should be submitted to, and approved in writing by, the local planning authority. The Emergency Plan and any safe evacuation and access/egress arrangements must be agreed with the lead local flood authority prior to occupation. Occupants of the site should sign up to receive Environment Agency flood alerts and warnings.

Reason: To ensure that an Emergency Plan is established in the event of any flooding of the site.

36. The development should not commence until (a) full details, including anticipated flow rates and detailed site plans, have been submitted to, and approved by, the local planning authority (in consultation with Thames Water), and (b) arrangements have been made to the satisfaction of the local planning authority (in consultation with Thames Water) for the provision of adequate water supplies for the whole of the development.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

37. No development shall commence until details have been submitted to, and approved by, the local planning authority (in consultation with Thames Water), of how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction.

Reason: To ensure that the water abstraction source is not detrimentally affected by the development.

### **Ecology and Biodiversity**

38. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of Great Crested Newt and their associated habitat during construction works and once the development is complete has been submitted to, and approved by, the local planning authority. The Great Crested Newt protection plan shall be carried out in accordance with a timetable for implementation as approved.

The plan shall include the following elements:

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- Details of Great Crested Newt trapping methodology
- Method statement for removal of Pond 1 and site clearance
- Protection of existing Great Crested Newt population from NWR1 linear waterbody
- Details of mitigation pond designs and construction, including proposed enhancements
- Details of other mitigation such as hibernacula and migration corridors to ensure habitat connectivity
- Details of buffers (min 5m wide) around ponds, including planting scheme

Reason: This condition is necessary to protect the Great Crested Newt and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site. Under the Wildlife and Countryside Act 1981, LPAs should take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest. Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 local planning authorities must have regard to purpose of conserving biodiversity.

- 39.** Other than the demolition or removal of above ground structures, no development shall commence until a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan Balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: This condition is necessary to prevent the spread of Japanese Knotweed and Himalayan Balsam which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and

local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

40. No development shall take place until a method statement/construction environmental management plan that is in accordance with the approach outlined in the Draft Construction Environmental Management Plan (appendix 4.1 of the Environmental Statement), has been submitted to, and approved in writing by, the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:
- The timing of the works
  - The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution).
  - The ecological enhancements as mitigation for the loss of habitat resulting from the development.
  - A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
  - Any necessary mitigation for protected species
  - Construction methods.
  - Any necessary pollution protection methods.
  - Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.
- The works shall be carried out in accordance with the approved method statement.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

41. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

Reason: To ensure that the construction of the scheme does not adversely impact upon nesting birds.

42. No development shall take place until a method statement for reptile mitigation has been submitted to, and approved in writing by, the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
  - g) disposal of any wastes arising from works.
- The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that there is appropriate mitigation for reptiles.

### **Historic Environment**

43. Other than the demolition or removal of above ground structures to ground floor level, no development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
- 1. The programme and methodology of site investigation and recording
  - 2. The programme and methodology of site investigation and recording as suggested by the archaeological evaluation
  - 3. The programme for post investigation assessment
  - 4. Provision to be made for analysis of the site investigation and recording
  - 5. Provision to be made for publication and dissemination of the analysis and records of the site



investigation

6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The development shall take place in accordance with the programme of archaeological works set out in the Written Scheme of Investigation.

The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis and publication where appropriate.

Reason: To protect probable heritage assets of archaeological interest on the site.

#### **Noise**

44. During any periods of site operation, excluding periods of maintenance or emergency, the rating levels LAeq1 hr (as defined in BS 4142) of the permitted activities shall not exceed the baseline background noise levels (LA90) by more than 5 dB at the nearest noise sensitive facade.

Reason: To ensure that the development does not result in adverse noise levels and in the interests of local amenity.

#### **Grid Connection**

45. Other than during the commissioning of the ERF, no combustion of waste shall take place until a grid connection to a substation has been installed and is capable of transmitting electricity generated by the ERF. No waste shall thereafter be combusted at the ERF unless electricity is also being generated by the ERF, which is being transmitted to the national grid, except during periods of maintenance, inspection or repair, or at the direction of the holder of a licence under section 6(1) (b) or (c) of the Electricity Act 1989, who is entitled to give such a direction in relation to transmission of electricity from the ERF to the national grid.

Reason: To ensure that the ERF produces renewable energy.

**Decommissioning**

46. Not less than 6 months prior to any planned date for the permanent decommissioning of the development hereby permitted, the operator shall submit a scheme to the local planning authority setting out details of the proposed decommissioning of any elements of the development that are not required in connection with the subsequent afteruse of the site together with a timetable for these works. The scheme shall include a provision for leaving the site in a condition that is suitable for future development or the full restoration of the site. No works of decommissioning shall take place until the scheme has been approved in writing by the local planning authority. The decommissioning shall be carried out in accordance with the approved scheme.

Reason: To ensure that the site is adequately restored upon the decommissioning of the ERF.

**Removal of permitted development rights**

47. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent amendment of that Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or fixed structures on the land and the written agreement of the local planning authority shall be obtained prior to the placing on site of any buildings or structures in the nature of portable plant.

Reason: To retain control over the development.

**Informatives**

The applicant/developer should refer to the current “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).

The applicant/developer is advised that any encroachment or access onto the canal towpath or other Trust Land requires written consent from the Canal & River Trust, and

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they should contact the Canal & River Trust's Estates Surveyor, Jonathan Young (jonathan.young@canalrivertrust.org.uk) regarding any required agreement.

The applicant/developer is advised that any drainage to the Navigation requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Utilities team for more information (nick.pogson@canalrivertrust.org.uk).

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Obstruction of public highway land: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Road Deposits: It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

Construction standards for works within the highway: Any works to be undertaken on the public highway associated with this development shall be constructed to the satisfaction and specification of the Highway Authority, by an approved contractor, and in accordance with Hertfordshire County Council's publication "Roads in Hertfordshire – Highway Design Guide (2011)". Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

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