

Application Number: ESS/63/24/ROC	Case Officer: Claire Tomalin Ext: 03330 136821
Site: Avocet, Shoeburyness MOD, Bridge Road, Shoeburyness, SS3 9XD	
Description: Replacement demilitarisation facility, including demolition of existing machinery and buildings and construction of a new building to house the new demilitarisation facility, along with the construction of associated buildings and supporting infrastructure	
Applicant: QinetiQ Group PLC	
Secretary of State Referral: No	Date: 27 March 2025

1. BACKGROUND

A demilitarisation facility is a facility that processes waste munitions through burning (deflagrates) or detonation in a safe and controlled manner.

There is no previous planning history that relates to this site and/or facility. There were and are however permitted development rights for development by the Crown for national security purposes under which it is understood the existing facility was developed. In the interests of openness and transparency, the applicant, in this instance, is nevertheless seeking formal planning permission.

The Shoeburyness site is operated by a contractor QinetiQ Group on behalf of the MOD.

2. SITE

The site is located on Havengore Island which lies southwest of Foulness Island, which is approximately 5km to the northeast of Shoeburyness and forms a part of the wider MOD Shoeburyness estate. The site is accessed from the Blackgate Road entrance to the estate. The sketch below shows the access road from public highway (green) and approximate location of the site in red.







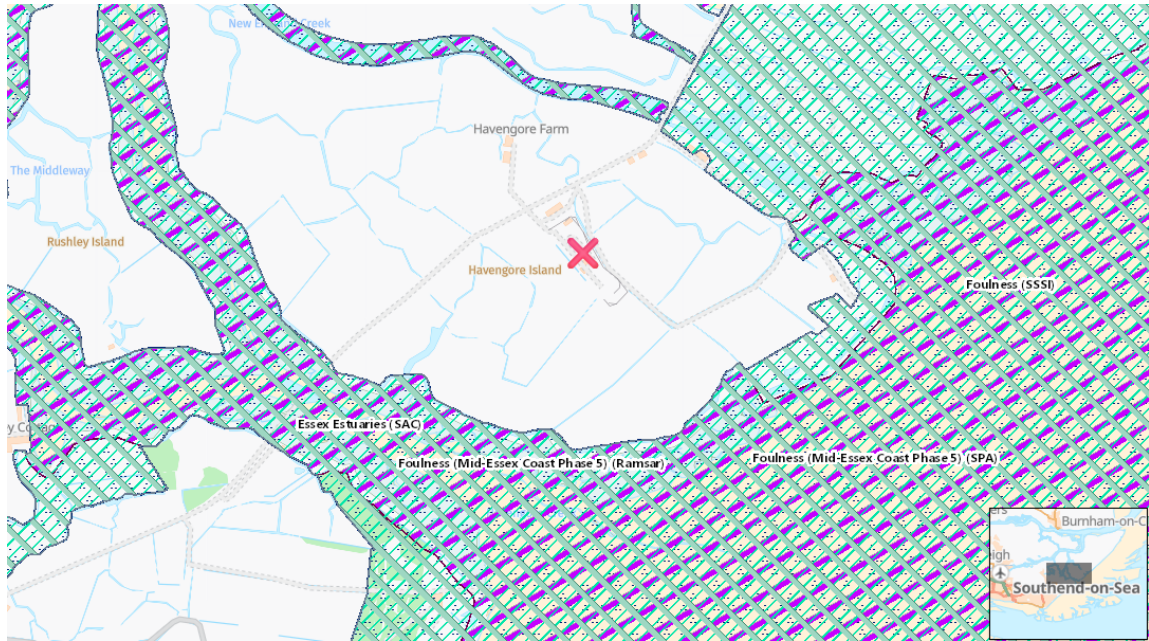
Havengore Island is accessed via Bridge Road, which is an internal road within the Shoeburyness estate. The site extends to approximately 0.77ha and forms part of the wider waste munitions facility, known as the Avocet facility.



The site is surrounded by flat agricultural land. The farmyard and farmhouse associated with Havengore Farm is located approximately 200m to the north. The site is remote and there are no other properties in the immediate surrounding area.

The site is located within Flood Zone 3.

The site itself does not lie within any statutory or non-statutory nature conservation sites, but it is located within an impact risk zone for the Foulness Site of Special Scientific Interest (SSSI). Havengore Island is surrounded on all sides by Foulness SSSI , Foulness (Mid-Essex Coast Phase 5) Ramsar , Foulness (Mid-Essex Coast Phase 5) Special Protection Area  and nearly completely surrounded by the Essex Estuaries Special Area of Conservation . See extract from MAGIC map below, the red cross is the approximate location of proposed facility. The site also lies within the Coastal Zone Protection Belt as defined in the Rochford Local Plan adopted 2014.



The site consists of a concrete hardstanding area at the south of the Avocet facility on which the existing machinery and buildings are located. The existing DEMIL system consists of two Explosive Waste Incinerators (EWIs), associated pollution control systems which includes flues, and associated temporary storage buildings. The site is lit by floodlights on large lampposts that surround the main compound, and these are switched on in the hours of darkness when the facility is in operation.

The two existing EWIs are approximately thirty years old and both are no longer operation. The existing systems have extract flues up to approximately 15m high.

3. PROPOSAL

This application seeks planning permission for a replacement demilitarisation (DEMIL) facility, including demolition of existing machinery and buildings and construction of a new building to house the new demilitarisation facility, along with the construction of associated buildings and supporting infrastructure.

The DEMIL facility is required to dispose of out of date or faulty munitions and through rapid heating either burn or detonate the munitions in a safe and controlled manner. The facility would serve all branches of the MOD, Army, Navy and Airforce for the whole of Great Britain.

The existing DEMIL systems were installed in the 1990's and are now no longer fit for purpose. The proposal is to demolish both System A and System B and replace with a new combined DEMIL facility within a single fabric structure.

The application proposes demolition of the existing machinery and associated buildings on the main hardstanding area at the south of the site where the two

existing plants are located, and the construction of a replacement facility on the existing concrete hardstanding, together with changes to the ancillary facilities located adjacent to this.

The new DEMIL system would be housed within a single sprung fabric structure approximately 41m long, 12m wide and 11m high. The external fabric would be finished in light grey with openings formed around the structure to provide access and egress points for personnel and vehicles via doors and roller shutters coloured to match the fabric. Two extract flues would be required for the systems, and they would be approximately 14m high (rising approximately 3m above the roof of the structure). The proposed footprint of the proposed structure is 560 sqm. New foundations would be laid within the existing hardstanding to support the new structure.

Surrounding the fabric structure would be three 20ft ISO containers providing supporting functions associated with the DEMIL processes, along with a new 2.5m high 'L' shaped Pendine concrete block wall and a 5.5m high Pendine concrete block wall. There would also be a new 10ft generator ISO enclosure and external plant adjacent to the building. To the west of the main structure there would be a new 40ft decontamination ISO container, a new 40ft control room ISO container and a new 20ft welfare ISO container. The ISO containers are proposed to be white.

The existing lighting columns and system that surround the site are to be retained.

To the north of the site six new 4,000l LPG tanks are proposed on a new concrete based enclosed by 1.8m chain-link fence. There is also a new concrete wall (Pendine wall) proposed adjacent to the LPG tanks, to protect from any potential risks from the Avocet facility.

The proposed facility would have an annual throughput of 3,650tpa. Munitions requiring disposal would arrive by HGV and it estimated the number of vehicle movements would be 2 HGV or 2 LGV movements a day during normal working hours.

The DEMIL facility would operate 24 hours a day 7 days a week.

4. POLICY CONSIDERATIONS

The following policies of the [Essex and Southend Waste Local Plan \(WLP\) adopted 2017](#) and the [Rochford Core Strategy \(RCS\) 2014](#) and [Rochford Development Management Plan \(RDMP\) 2014](#) provide the development plan framework for this application. The following policies are of relevance to this application:

WASTE LOCAL PLAN adopted 2017 (WLP)

Policy 5 – Enclosed Waste Facilities on unallocated sites or outside Areas of Search

Policy 10 – Development Management Criteria

Rochford Core Strategy adopted 2011 (RCS)

ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites.

ENV2 – Coastal Protection Belt

Rochford Development Management Plan adopted 2014 (RDMP)

DM5 – Light Pollution

DM26 – Other Important Landscape Features

DM27 – Species and Habitat Protection

The Revised National Planning Policy Framework (NPPF) was published on 12 December 2024 and sets out the Government’s planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways...”

In summary, the objectives are economic, social and environmental.

The NPPF places a presumption in favour of sustainable development.

Paragraph 11 parts (c) and (d) states:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

However, paragraph 48 states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise...”

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraph 231 of the NPPF states:

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made.”

Paragraph 232 states:

“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Paragraph 49 of the NPPF states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

The replacement Rochford Local Plan is at too earlier stage to have any weight.

NEIGHBOURHOOD PLAN

There is no neighbourhood plan for Foulness Parish.

5. CONSULTATIONS

Summarised as follows:

ROCHFORD DISTRICT COUNCIL: No comments received.

ENVIRONMENT AGENCY: No objection subject to the LPA taking into account flood risk considerations. The applicant is advised to develop an emergency flood plan.

NATURAL ENGLAND: No objection. Consider there is adequate information for the LPA to undertake an Appropriate Assessment.

MINISTRY OF DEFENCE (SAFEGUARDING): No objection on safeguarding grounds.

MARINE MANAGEMENT ORGANISATION: No objection. Standard advice provided and provided to the applicant.

PLACE SERVICES (Landscape): No objection. Would wish to see the colour of the ISO containers changed from white and the landscaping revised to reflect the surrounding landscape. Conditions required with respect to landscape, landscape maintenance and a biodiversity/landscape management plan.

Comment: The layout of planting has been revised to reflect the surrounding landscape. As the application is subject to BNG a landscape/biodiversity management plan is not considered warranted.

PLACE SERVICES (Ecology): No objection, satisfactory information submitted to support the determination of the application. Conditions recommended with respect to compliance with ecological mitigation, lighting and need to comply with BNG legislation.

HIGHWAY AUTHORITY: No comments received.

LEAD LOCAL FLOOD AUTHORITY: No objection.

FOULNESS PARISH COUNCIL: No comments received.

LOCAL MEMBER – ROCHFORD – ROCHFORD SOUTH: No comments received.

6. REPRESENTATIONS

One property was directly notified of the application. No letters of representation have been received.

7. APPRAISAL

The key planning considerations are set out below:

- A. Principle of the Development and Policy Considerations
- B. Landscape and Visual Impact
- C. Ecological Impacts
- D. Local Amenity – Noise, Lighting and Hours of Operation
- E. Water Environment
- F. Highways and Access

A PRINCIPLE OF THE DEVELOPMENT AND POLICY CONSIDERATIONS

The proposed development is a unique waste management facility, seeking to manage waste munitions for all arms of defence organisations i.e. army, navy and air force for the whole of Great Britain.

The facility is proposed to replace two previous facilities that are located on the same site, so the principle of this use/type of facility has previously been established, albeit it acknowledged that the existing facility was constructed under permitted development rights. The WPA is nevertheless not aware of any complaints in relation to the operation of the existing facilities.

Policy 5 of the Waste Local Plan seeks to guide development with respect to enclosed waste management facilities and therefore is the most relevant policy. The policy states:

Proposals for new enclosed waste management facilities will be permitted where:

- 1. the waste site allocations and the Areas of Search in this Plan are shown to be unsuitable or unavailable for the proposed development;*
- 2. although not exclusively, a need for the capacity of the proposed development has been demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and*
- 3. it is demonstrated that the site is at least as suitable for such development as Site Allocations or Areas of Search, with reference to the overall spatial strategy and site assessment methodology associated with this Plan.*

In addition, proposals should be located at or in:

- a. employment areas that are existing or allocated in a Local Plan for general industry (B2) and storage and distribution (B8); or*
- b. existing permitted waste management sites or co-located with other waste management development; or*
- c. the same site or co-located in close proximity to where the waste arises; or*
- d. the curtilages of Waste Water Treatment Works (in the case of biological waste); or,*
- e. areas of Previously Developed Land; or*
- f. redundant agricultural or forestry buildings and their curtilages (in the case of*

green waste and/or biological waste).

Proposals for energy recovery facilities with combined heat and power are expected to demonstrate that the heat produced will be supplied to a district heat network or direct to commercial or industrial users.

Any proposals that come forward on land use types not identified above will be assessed on their merits, based on the policies in this Plan.

In this case, the site is not located on land identified for employment uses within the Rochford Local Plan, nor is it a site Allocated or within an Area of Search within the Essex and Southend Waste Local Plan. Accordingly, the proposals are not considered to fully comply with Policy 5. That said, paragraph 102 of the NPPF states that planning policies and decisions should promote public safety and take into account wider security and defence requirements by recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

In respect of this, it is noted that the proposed development would be on an area of previously developed land in accordance with part “e” of WLP Policy 5. The proposed site is that of the existing DEMIL facility, utilising the existing concrete pad, but requiring a slightly larger area, requiring an area for the proposed LPG tanks to replace the existing oil tank. The proposed facility would be located within the existing Avocet facility that includes a facility to manage the waste metal arising from management of waste munitions. The existing site being located within the Shoeburyness MOD estate has appropriate existing security with respect to the nature of the waste to be managed.

The site is remote from residential properties, apart from farmhouse and there is no close public access to the site.

Overall, the proposed development seeks to make effective use of an existing site which is established for this particular use, with existing appropriate security measures. The proposed development is for a facility that is of national importance in that it relates to the nation’s defence function. In this context, the principle of the proposed development is considered acceptable and in line with the NPPF.

B LANDSCAPE AND VISUAL IMPACT

Policies of the WLP (Policy 10), RCS (Policy ENV1) and RDMP (policy DM26) seek to protect the environment from adviser visual and landscape impact.

The area surrounding the stie is considered characteristic of the Dengie & Foulness Coast (F3) Character Area as identified in the Essex County Landscape Character Assessment. These landscapes are large scale and flat landscapes, with a sense of openness/space and wide views. Woodland is absent, with only a few hedgerows.

The proposals include a fabric structure to house the DEMIL facility rising to 11m in height, with two stacks at 14m high and a number of ISO containers.

The proposed site is visible at a distance from nearby PRowS. To minimise the impact of these structures in this flat landscape, the County's landscape advisor would have preferred the structures to have been dark in colour. However, due to the potential for solar heating both with respect to the DEMIL facility itself and supporting equipment to be housed in the ISO containers, the building is proposed in light grey and the ISO containers proposed in white.

To reduce the visual impact of the LPG tanks, clumps of tree planting have nevertheless been proposed along the western boundary. With respect to the white ISO containers, it has been explained by the applicant that 3m high fencing (not forming part of the application) is proposed around the DEMIL facility to be dark green or black in colour and this would soften the impact of the white containers. The new buildings and other elements would be within the existing developed area and of similar nature to the existing infrastructure.

It is considered that subject to the conditions suggested above, while there would be some landscape and visual impact, the impacts would not be so significant as to warrant refusal on landscape and visual grounds. The proposals are considered to be in accordance with WLP policy 10 and RCS policies ENV1 and ENV2 and RDMP policy DM26.

C ECOLOGICAL IMPACTS

The proposed site while not subject to any local or national designations is surrounded by areas designated as ecologically sensitive, including areas designated as SSSI, SPA, SRC and Ramsar.

The County's ecologist has confirmed the application was supported by sufficient ecological information to allow determination. Subject to conditions to ensure the mitigation set out within the supporting information is implemented, in particular water vole mitigation measures and implementation of the Construction Environmental Management Plan, the County's ecologist raise no objection to the proposals.

The County's ecologist has requested a condition with respect to lighting details. The lighting on site is as existing and is proposed to be retained, no additional lighting is proposed. In order to minimise the impact of the existing lighting, it is considered appropriate to require the existing lighting to be amended/adjusted to minimise its impact i.e. through motion sensors and/or cowling added to minimise light spill, this could be required by condition.

Biodiversity Net Gain

The development is subject to the requirements of Biodiversity Net Gain. The applicant has submitted the biodiversity metric and the application proposes additional tree planting and grassland providing at least a 10% biodiversity gain.

The County's ecologist is satisfied in respect of this information submitted. However, a finalised Biodiversity Gain Plan pursuant to the statutory biodiversity net gain condition would need to be provided prior to commencement of the development. An additional condition in respect of this (the Biodiversity Gain Plan) and the management and monitoring of habitat to be created has been recommended by the County's ecologist.

Subject to the conditions suggested above it is considered the ecological impacts can be satisfactorily mitigated and the proposals are in accordance with WLP Policy 10, RCS policies ENV1 and ENV2 and policy DM27 of the RDMP.

D LOCAL AMENITY – NOISE, LIGHTING AND HOURS OF OPERATION

As explained previously, this site is remote from public access, being within the defence estate grounds. There is only one residential property Havengore Farm located 200m to the north.

The new DEMIL facility would operate on a 24/7 basis. It has been designed to meet modern standards both here and in the EU and would admit less noise than the redundant plant to be removed. Due to its remote location it is not considered the facility would give rise to significant adverse noise.

The deliveries of waste munitions to the site would be made within normal working hours, which would be controlled by condition.

The existing lighting system is to be retained and a condition imposed to ensure its usage is minimised and the spill from the lights minimised. It is not considered that with these additional measures the retained lighting would give rise to adverse light impact.

It is considered subject to the conditions suggested the proposals would be in accordance with WLP policy 10 and RDMP policy DM5.

E WATER ENVIRONMENT

The site lies within Flood Zone 3. The proposed development would not increase the risk of flooding, the risk would remain the same.

The EA and LLFA have raised no objection to the proposals.

While within a flood risk area, as a development for national security the development is considered a water-compatible under Annex 3: Flood Vulnerability classification of the PPG.

The EA have advised that an Emergency Flood Plan should be prepared and a copy of an updated EPF has been submitted to demonstrate this advice has been actioned.

There are no reasons to withhold planning permission with respect to the water environment.

F HIGHWAYS AND ACCESS

The proposals would give rise to minimal traffic, two HGV or LGV movements a day associated with the waste importation, plus vehicle staff movements. Access would be via the existing access to the Shoeburyness MOD estate on Bridge Road. Adequate parking is available on site. The Highway Authority have provided no comments.

8. CONCLUSION

While the proposed waste facility for military munitions is not fully compliant with Policy 5 of the WLP, the proposal seeks to make effective use of an existing site which is established for this particular use, with existing appropriate security measures. The proposed development is for a facility that is of national importance in that it relates to the nation's defence function. In this context, the principle of the proposed development is considered acceptable and in line with the NPPF, in particular paragraph 102.

It is acknowledged the site is located in Flood Zone 3. However, development relating to the nation's defence is noted as water compatible within the PPG.

The site is located within a flat open landscape and there would be some visual/landscape impact. Views of the site are nevertheless distant, and it is considered that the proposed planting and fencing would reduce this impact to an acceptable level.

While not located in an area designated for its ecological interest, the site is within close proximity to areas of designated both nationally and internationally for ecological interest. It has however been demonstrated there would no adverse impact upon these ecological designations subject to compliance with the mitigation proposed and submission of details as required in relation to BNG, thus the development is considered to be in accordance with WLP policy 10 and RCS policy ENV2 and RDMP policy DM27.

With respect to other environment factors, including noise and lighting, no adverse impacts have been identified and subject to the imposition of appropriate safeguarding conditions and therefore no objections in terms of WLP policy 10 and RCS policy ENV2 and RDMP policy DM5 are raised.

Overall, it considered there is no justification to withhold planning permission.

9. RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 [as amended].

- 2 The development hereby permitted shall be carried out in accordance with the details of the application dated 20 November 2024, together with the following drawings:

Drawing Number	Title	Dated
30004442-BHK-00-XX-DR-A-1000_RevP01	Site Reference Plan	06/11/2024
30004442-BHK-00-XX-DR-A-1001_RevP01	Location Plan	07/11/2024
30004442-BHK-00-XX-DR-A-1002_RevP01	Site Plan Existing	07/11/2024
30004442-BHK-00-XX-DR-A-1003_RevP01	Site Plan Proposed	07/11/2024
30004442-BHK-00-XX-DR-A-1004_RevP02	Proposed LPG Compound	25/02/2025
30004442-BHK-00-XX-DR-A-1005_RevP01	Proposed New DEMIL facility Plan	07/11/2024
30004442-BHK-00-XX-DR-A-1006_RevP01	Proposed New DEMIL Facility Elevations	07/11/2024
30004442-BHK-00-XX-DR-A-1007_RevP02	Proposed Landscape and BNG Plan	25/02/2025

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 following condition(s):

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5 and 10, RCS policies ENV1 and ENV2 and RDMP policies DM5, DM26 and DM27.

- 3 The importation of waste to the development hereby permitted shall not be carried out unless during the following times:

0700 hours to 1830 hours Monday to Friday; and

0700 hours to 1300 hours Saturdays;

and at no other times, including on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policy 10.

- 4 Prior to beneficial use of the development hereby permitted details of the measures proposed to be implemented to ensure the retained lighting complies with the Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Waste Planning Authority. Such measures shall include but not be limited to activation by motion sensors and cowls to lighting to minimise light spill. The lighting shall be maintained in accordance with the approved details.

Reason: To minimise the disturbance to the surrounding ecologically designated areas, allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), to minimise the visual and landscape impact of the development and to comply with WLP policy 10, RCS policies ENV1 and ENV2 and RDMP policies DM26 and DM27.

- 5 No additional fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore, a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on the surrounding ecological designations. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To ensure no additional undue disturbance to the surrounding ecologically designated areas, allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended), to minimise further visual and landscape impact and to comply with WLP policy 10, RCS policies ENV1 and ENV2 and RDMP policies DM5 and DM27.

- 6 Within 3 months of the date of commencement a landscape scheme shall be submitted for approval by the Waste Planning Authority. The scheme shall include details of all areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented in full as

per the approved programme of implementation and maintained thereafter in accordance with condition 7 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with WLP policy 10, RCS policy ENV1 and RDMP policy DM26.

- 7 Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be approved in advance in writing by the Waste Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply WLP policy 10, RCS policy ENV1 and RDMP policy DM26.

- 8 The chain link fencing surrounding the LPG tanks identified on drawing number 30004442-BHK-00-XX-DR-A-1004 P02 shall be black or dark green in colour.

Reason: In the interests of visual and landscape amenity and to comply and to comply WLP policy 10, RCS policy ENV1 and RDMP policy DM26.

- 9 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Middlemarch, November 2024), the Water Vole Survey (Middlemarch, November 2024) and the Construction Ecological Management Plan (Middlemarch, November 2024). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species, allow the Waste Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and in accordance with WLP policy 10, RCS policy ENV1 and RDMP policy DM27.

- 10 No development shall take place until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Waste Planning Authority. The HMMP shall outline the management and monitoring plan for onsite significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2, 5, 10, 15, 20, 25 and 30 from commencement of development, demonstrating how the BNG is progressing

towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Written notification of the date of commencement of the initial enhancements, as set in the HMMP, shall be sent to the Waste Planning Authority within 7 days of such commencement; and the created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP, with monitoring reports submitted to the County Planning Authority at the specified intervals.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Informatives

Biodiversity Net Gain – BNG

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Essex County Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

REASON FOR APPROVAL

Subject to the imposition of the attached conditions, the proposal is considered acceptable having been assessed in the light of all material considerations, including weighting against the following policies of the development plan:

Waste Local Plan adopted 2017 (WLP)

Policy 5 – Enclosed Waste Facilities on unallocated sites or outside Areas of Search

Policy 10 – Development Management Criteria

Rochford Core Strategy adopted 2011 (RCS)

ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites.

ENV2 – Coastal Protection Belt

Rochford Development Management Plan adopted 2014 (RDMP)

DM5 – Light pollution

DM26 – Other Important Landscape Features

DM27 – Species and Habitat Protection

Statement of Reasons

While the proposed waste facility for military munitions is not fully compliant with Policy 5 of the WLP, the proposal seeks to make effective use of an existing site which is established for this particular use, with existing appropriate security measures. The proposed development is for a facility that is of national importance in that it relates to the nation's defence function. In this context, the principle of the proposed development is considered acceptable and in line with the NPPF, in particular paragraph 102.

It is acknowledged the site is located in Flood Zone 3. However, development relating to the nation's defence is noted as water compatible within the PPG.

The site is located within a flat open landscape and there would be some visual/landscape impact. Views of the site are nevertheless distant, and it is considered that the proposed planting and fencing would reduce this impact to an acceptable level.

While not located in an area designated for its ecological interest, the site is within close proximity to areas of designated both nationally and internationally for ecological interest. It has however been demonstrated there would no adverse impact upon these ecological designations subject to compliance with the mitigation proposed and submission of details as required in relation to BNG,

thus the development is considered to be in accordance with WLP policy 10 and RCS policy ENV2 and RDMP policy DM27.

With respect to other environment factors, including noise and lighting, no adverse impacts have been identified and subject to the imposition of appropriate safeguarding conditions and therefore no objections in terms of WLP policy 10 and RCS policy ENV2 and RDMP policy DM5 are raised.

Overall, it is considered there is no justification to withhold planning permission.

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

The proposed development would be located adjacent to two European sites: Foulness (Mid-Essex Coast Phase 5) Special Protection Area and Essex Estuaries Special Area of Conservation and would not be directly connected with or necessary for the management of either site for nature conservation.

Following consultation with Natural England and the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European sites, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

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

In determining this planning application, the Waste 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.

And there are no other policies or other material considerations which are overriding or warrant the withholding of permission.

DECISION

By virtue of the powers delegated to me I hereby accept and approve the above recommendations

27/03/2025

X *TM*

Signed by: Tom McCarthy
for Chief Planning Officer (County Planning and Major Development)