

2 Main Modifications

2.1 These modifications have been proposed by the Inspector during the hearing sessions of the Examination in Public in order to ensure that the Replacement Waste Local Plan is sound and legally compliant. The National Planning Policy Framework 2012 sets out the four Tests of Soundness against which the Plan is being assessed by the Planning Inspectorate. A sound document will be:

1. Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development;
2. Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
3. Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
4. Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the (Minerals and Waste Development) Framework.

Table 2 Main Modifications

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	1	Paragraph 4.21 to 4.23	See 'Appendix 1 - The Waste Challenge at a Glance'	See 'Appendix 1 - The Waste Challenge at a Glance' <ul style="list-style-type: none"> Update of figures used in 'The Waste Challenge – At a Glance' section to take into account further information arising from the consultation, the Hearings and the addition of L(i)16 – Dollymans Farm. 	To be “effective” and “positively prepared” the Plan must reflect the best available data, including that relating to cross boundary movements from London.

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MAIN	2	Paragraph 5.3	The principle of net self-sufficiency does not apply to reactive hazardous waste or radioactive waste as it is not considered practical to provide for such specialist facilities within the Plan area.	The principle of net self-sufficiency does not apply to hazardous waste or radioactive waste as it is not considered practical to provide for such specialist facilities on the basis of net self-sufficiency within the Plan area.	To clarify the approach of the RWLP in respect of net self-sufficiency.
MAIN	3	Policy 1	See 'Appendix 2 - Policy 1'	See 'Appendix 2 - Policy 1' <ul style="list-style-type: none"> • Clause a - update of shortfall capacity figure for biological treatment for non-hazardous organic waste • Clause b – update of shortfall capacity figure for inert waste • Clause c – update of term “other waste” to be clearer 	To be “effective” and “positively prepared” the Plan must reflect the best available data, including that relating to cross boundary movements from London. Update also provides clarity around what is meant by ‘other waste’.
MAIN	4	Policy 2	See 'Appendix 3 - Supporting Text and Policy 2'	See 'Appendix 3 - Supporting Text and Policy 2' <ul style="list-style-type: none"> • Update to reflect consultation distance in 	The increase in the WTC safeguarding distance was made at the request of Anglia

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				<p>respect of WTC, from 200m to 400m.</p> <ul style="list-style-type: none"> Updates to paragraph 6.10 and a new paragraph 6.11 to clarify operation of safeguarding policy. Updates to the policy which act to set out the stance the WPA is likely to take to applications within safeguarding areas. 	<p>Water, who provided evidence to support the request.</p> <p>Updates to paragraph 6.10, the new paragraph 6.11 and Policy 2 are included for reasons of clarity.</p>
MAIN	5	Policy 3	See 'Appendix 4 - Policy 3'	<p>See 'Appendix 4 - Policy 3'</p> <ul style="list-style-type: none"> Clause 1 – name change of Basildon Waste Water Treatment Works. Clause 2 – removal of Wivenhoe Quarry allocation, with the facility proposed in the Wivenhoe locality moved to the Sunnymead, Elmstead and Heath Farms allocation. Clause 3 update to clarify what is meant by 'other waste' management. 	<p>The change of name to the Basildon site is a factual update.</p> <p>The changes to Clause 2 reflect a new preference on behalf of the site promoter for inert recycling capacity delivery, and at this initial stage, the revisions would be supported by the Waste Planning Authority.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<ul style="list-style-type: none"> Clause 4 – inclusion of a new inert recycling allocation at Dollymans Farm, Basildon. Removal of the words “as follows and”. 	<p>The change from the term “other waste” in Clause 3, to “residual non-hazardous waste” provides clarity regarding the type of waste managed at this site.</p> <p>The introduction of a new site at Clause 4 is considered necessary for the Plan to be judged as being “positively prepared” as the Plan now better seeks to meet the needs of the Plan area.</p> <p>The removal of the words “as follows and” is for reasons of clarity.</p>
MAIN	6	Paragraph 8.10	Proposals within the Areas of Search will normally require express planning permission and will be considered against policies in the RWLP, and the wider Development	Proposals within the Areas of Search will normally require express planning permission and will be considered against other relevant policies in the RWLP,	To provide additional clarity with regard to the intended operation of Areas of Search.

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			<p>Plan as a whole. The design and operation of waste management facilities proposed within Areas of Search should be consistent with existing uses in the employment area.</p>	<p><u>including Policy 10 – Development Management</u>, and the wider Development Plan as a whole. <u>The need to consider the wider Development Plan is important as it is the relevant Local Plan which determines whether an Area of Search designation remains relevant. Should a Local Plan seek to re-allocate land pertaining to an Area of Search away from B2/B8 uses, the criteria upon which Areas of Search are based would no longer be fulfilled. In such instances, the location would cease to be an Area of Search and Policy 4 would no longer apply.</u> The design and operation of waste management facilities proposed within Areas of Search should be consistent <u>compatible</u> with existing uses in the employment area.</p>	

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MAIN	7	Policy 4	See 'Appendix 5 - Policy 4'	<p>See 'Appendix 5 - Policy 4'</p> <ul style="list-style-type: none"> Revised policy to include supporting text in order to aid clarity around the purpose of Areas of Search. Removal of Oakwood and Crusader Business Park as an Area of Search reflects the recent granting of a housing permission. 	<p>To provide additional clarity with regard to the intended operation of Areas of Search.</p> <p>The removal of Oakwood and Crusader Business Park as an Area of Search reflects the recent granting of a housing permission.</p>
MAIN	8	Policy 5	See 'Appendix 7 - Policy 5'	<p>See 'Appendix 7 - Policy 5'</p> <ul style="list-style-type: none"> Title change to better reflect that the policy applies to enclosed facility proposals on unallocated sites. Clause 1 – replacement of “or” with “and”, and deletion of “and” from “and/or”. Clause 2- the addition of “although not exclusively” in relation to 	<p>The Plan requires further clarity in order to be considered “effective”.</p> <p>The changes to Clause 1 ensure the correct operation of the Policy.</p> <p>The addition of the words “although not exclusively” more directly aligns the plan with the notion of net self-sufficiency.</p>

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				<p>waste arising in the Plan Area.</p> <ul style="list-style-type: none"> • Addition of a final sentence to state that proposals not according with the Policy will be assessed on their merits. 	
MAIN	9	Policy 6	See 'Appendix 8 - Policy 6'	<p>See 'Appendix 8 - Policy 6'</p> <ul style="list-style-type: none"> • Title change to better reflect that the policy applies to open facility proposals on unallocated sites. • Clause 1 – replacement of “or” with “and”, and deletion of “and” from “and/or”. • Clause 2- the addition of “although not exclusively” in relation to waste arising in the Plan Area. • Addition of a final sentence to state that proposals not according with the Policy will be assessed on their merits. 	<p>The Plan requires further clarity in order to be considered “effective”.</p> <p>The changes to Clause 1 ensure the correct operation of the Policy.</p> <p>The addition of the words “although not exclusively” more directly aligns the plan with the notion of net self-sufficiency.</p>

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MAIN	10	Policy 7	See 'Appendix 9 - Supporting Text and Policy 7'	<p>See 'Appendix 9 - Supporting Text and Policy 7'</p> <ul style="list-style-type: none"> Title change to clarify that the policy deals with all radioactive waste and not just nuclear waste. First paragraph – addition of the word “management” in place of “treatment and/or storage” and addition of “supported” in place of “only be acceptable”. Clause b – addition of “radioactive” and “at this location” in place of “decommissioned nuclear” and “site” respectively. 	<p>The Plan requires further clarity to be considered “effective”.</p> <p>More positive language was required to ensure that the Plan was “positively prepared”.</p> <p>Further modifications reflect extant national guidance terminology.</p>
MAIN	11	Policy 9	See 'Appendix 10 - Policy 9'	<p>See 'Appendix 10 - Policy 9'</p> <ul style="list-style-type: none"> Title change to better reflect that the policy applies to new disposal facilities on unallocated sites. Clause 1 – replacement of “or” with “and”, and 	<p>The Plan requires further clarity in order to be considered “effective”.</p> <p>The changes to Clause 1 ensure the correct operation of the Policy.</p>

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<p>deletion of “and” from “and/or”.</p> <ul style="list-style-type: none"> Clause 2- the addition of “although not exclusively” in relation to waste arising in the Plan Area. Addition of a final sentence to state that proposals not according with the Policy will be assessed on their merits. 	<p>The addition of the words “although not exclusively” more directly aligns the plan with the notion of net self-sufficiency.</p>
MAIN	12	Paragraph 9.33	<p>The Public Rights of Way (PROW) network provides an important means of accessing the countryside. Where necessary, applicants will be required to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. Restoration schemes should provide for access which is at least as</p>	<p>The Public Rights of Way (PROW) network provides an important means of accessing the countryside. Where relevant, applications for waste management will be required to ensure that PROW remain usable at all times or provide satisfactory alternative routes. Alternative paths and any necessary diversions of existing paths will be required to be in place prior to the closure of the existing PROW. Restoration schemes should, in the first</p>	<p>The modification demonstrates a stronger accordance with the Essex and Southend-on-Sea Public Rights of Way Improvement Plans.</p>

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			<p>good as that existing before workings began and should be seen as an opportunity to create new PROW where this is possible and desirable. The closure of a PROW, where no alternative route is provided, will normally not be acceptable.</p>	<p><u>instance, be seen as an opportunity to enhance and upgrade PROW where possible, especially with regard to the provision of Bridleways as multi-user paths as part of any permission granted. In all cases, restoration schemes should provide for access which is at least as good as that existing before workings began, and the</u> <u>The</u> closure of a PROW, where no alternative route is provided, will not normally be acceptable.”</p>	
MAIN	13	Policy 10	See 'Appendix 11 - Policy 10'	<p>See 'Appendix 11 - Policy 10'</p> <ul style="list-style-type: none"> • More detail provided around Clause b (protection of water resources). • Addition of final sentence setting out that enhancement opportunities should be sought. 	Further clarification and the addition of the explicit need to seek enhancements is required to enable the Plan to be “Positively Prepared”.

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
MAIN	14	Policy 12	See 'Appendix 12 - Policy 12'	See 'Appendix 12 - Policy 12' <ul style="list-style-type: none"> Inclusion of Clause d to set out a further tier in the hierarchy of preference for transportation. 	A formatting error resulted in the exclusion of Clause d during the drafting of Policy 12 at the Pre-Submission Stage.
Appendix B - Development Principles					
MAIN	15	Table 8 - Bellhouse Landfill Site	Indicative Facility Scale: 75,000tpa - Biological Treatment Facility 3,000,000m3 – Inert Landfill Estimated Availability: Between: up to 5-10 years from adoption	Indicative Facility Scale: 75,000tpa - Biological Treatment Facility 3,000,000m3 250,000tpa – Inert Landfill Estimated Availability: Upon adoption (2017). Between: up to 5-10 years from adoption	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.
MAIN	16	Table 11 – Little Bullocks and Crumps Farm, Great and Little Canfield	See 'Appendix 14 - Table 11 Little Bullocks and Crumps Farm, Great and Little Canfield'	See 'Appendix 14 - Table 11 Little Bullocks and Crumps Farm, Great and Little Canfield' <ul style="list-style-type: none"> Site 1 Area and Boundary amended to be consistent with MLP. 	or the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<ul style="list-style-type: none"> ● Estimated Availability for Site 3 updated. ● Life of Site 2 updated. ● Life of Site 3 updated. ● Site 2 - Removal of bullet point 1. 	<p>became known during the Examination process.</p>
MAIN	17	Table 14 – Morses Lane, Brightlingsea	<p>See 'Appendix 15 - Table 14 Morses Lane, Brightlingsea' Morses Lane Site Assessment Scores:</p> <ul style="list-style-type: none"> ● "3D – Proximity to Sensitive Receptors" – Amber 3. ● "3K – Recreation Facilities" – Green. 	<p>See 'Appendix 15 - Table 14 Morses Lane, Brightlingsea'</p> <ul style="list-style-type: none"> ● The inclusion of a statement that the facility would be enclosed (bullet point 5). ● Additional bullet point regarding the need for new development to not impact on the nearby retail use (bullet point 6). <p>Morses Lane Site Assessment Scores:</p> <ul style="list-style-type: none"> ● "3D – Proximity to Sensitive Receptors" – Red. ● "3K – Recreation Facilities" – Amber 2. 	<p>To strengthen the intended protection of amenity, particularly for proximal land uses.</p> <p>Changes to the assessment scores are required to accommodate information raised at the Hearings.</p>

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				See MC2 Site Assessment Methodology Report for the site assessment proforma and rationale for allocation.	
MAIN	18	Table 15 – Newport Quarry	See 'Appendix 16 - Table 15 Newport Quarry'	See 'Appendix 16 - Table 15 Newport Quarry' <ul style="list-style-type: none"> Update to the expected form of restoration (bullet point 1). Update to environmental and landscape considerations (bullet point 2). Update to routeing agreement (bullet point 6). 	To strengthen the intended protection of local amenity to address the concerns of local residents.
MAIN	19	Table 16 – Rivenhall	Indicative Facility Scale: AD 85,000tpa CHP 360,000tpa	Indicative Facility Scale: AD 85,000tpa 30,000tpa CHP 360,000tpa 595,000tpa	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.

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MAIN	20	Table 17 – Sandon	Indicative Facility Scale: 40,000 tpa – Inert Waste Recycling Capacity	Indicative Facility Scale: 40,000 tpa 300,000 tpa – Inert Waste Recycling Capacity	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.
MAIN	21	Table 19 – Sunnymead, Elmstead and Heath Farms	See 'Appendix 17 - Table 19 Sunnymead, Elmstead and Heath Farms'	Inclusion of recycling operations (new allocated at W36) originally allocated at Wivenhoe Quarry (W13). The two operations (L(i)5 and W36) proposed at Sunnymead, Elmstead and Heath Farms are now included within a single table. See 'Appendix 17 - Table 19 Sunnymead, Elmstead and Heath Farms' <ul style="list-style-type: none"> Update “Site Allocation For”. 	For the Plan to be deliverable (and “effective”) it is necessary to update operational details relating to site allocations as they became known during the Examination process.

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
				<ul style="list-style-type: none"> Update "Estimated Availability." Update "Life". <p>New development principles included to reflect the outcome of the assessment process.</p> <p>See MC2 Site Assessment Methodology And Report Addendum for the site assessment proforma and rationale for allocation.</p>	
MAIN	22	Table 20 – Wivenhoe Quarry Plant Area		<p>Removal of the site allocation to reflect that the facility is now included as part of Sunnymead, Elmstead and Heath Farms.</p>	<p>Development at this site is no longer supported by the site operator for operational reasons. Mineral development will cease at this location shortly, and is anticipated to commence at the adjacent Sunnymead location, subject to planning permission. As such, it is intended that the aggregate recycler</p>

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					be re-located to Sunnymead.
MAIN	23	Table xx ⁽¹⁾ – Dollymans Farm	Site not allocated at Pre-Submission stage.	Allocation of site See 'Appendix 18 - Table xx Dollymans Farm' for Development Principles and the MC2 Site Assessment Methodology and Report Addendum for the site assessment proforma and rationale for allocation.	To be "positively prepared" it was determined that this site should be added to the Preferred Sites list so that the Plan better seeks to meet the inert disposal needs of the Plan area.
Appendix C - Development Excluded from Safeguarding Provisions					
MAIN	24	Table 21 – Development in Waste Consultation Areas	See 'Appendix 19 - Table 21 Development in Waste Consultation Area' The original safeguarding table (Table 21) highlighted that all 'change of use' applications were to be included within the scope of	See 'Appendix 19 - Table 21 Development in Waste Consultation Area' It is proposed to amend the safeguarding table to reduce the range of change of use applications to be included within the scope of Policy 2 to changes of use away from	To remove the need for the Waste Planning Authority to be consulted on applications which are not likely to impact on the operation of waste management facilities.

1 Table numbering to be confirmed prior to Adoption.

Modification	Modification Number	Paragraph/Policy Reference	Original Text	Amendment	Justification
			<p>Policy 2 – Safeguarding Waste Management Sites and Infrastructure</p> <p>Removal from Table 21 of the row stating that ‘Applications for temporary buildings, structures or uses (for up to five years)’ were to be ‘Included’ within the scope of Policy 2.</p>	<p>B2/B8 uses and changes away from any use class to Category A and Category C uses only.</p> <p>References to safeguarding also applying to temporary applications for development already scoped in has been removed from the table and inserted into paragraph C2 (This is addressed in MAIN 25).</p>	
MAIN	25	C2	<p>However, it is neither practicable nor necessary for consultation to occur on all developments proposed through planning applications. The table below sets the developments proposed to be subject to consultation with the Waste Planning Authorities:</p>	<p>However, it is neither practicable nor necessary for consultation to occur on all developments proposed through planning applications. The table below sets the developments proposed to be subject to consultation with the Waste Planning Authorities: <u>The development types below include those relating to temporary structures and uses:</u></p>	<p>This provides clarity.</p>

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Appendix E - Areas of Search Development Principles					
MAIN	26	Map 51 – Oakwood and Crusader Business Park		Removal of Map as the site is no longer being considered as an Area of Search.	Factual update to recognise that Oakwood and Crusader Business Park is no longer an Area of Search.