

From: [REDACTED]
To: [Cleve Hill Solar Park](#)
Subject: Additional submissions from CPRE Kent (ref 20022146)
Date: 01 August 2019 16:45:22
Attachments: [REDACTED]

Dear Paige,

Thank you very much for confirmation of my earlier email.

I now attach our additional submissions for Deadline 3.

These comprise:

- A written statement from Richard Knox-Johnston concerning the Open Floor Hearing of 22nd July
- A further statement on biodiversity
- A written statement on aviation glare
- A statement on a recent SoS decision on an energy recovery facility, supported by a copy of the SoS's letter
- A statement on Climate Change and Carbon Sequestration, supported by a partial transcript of evidence given by the Chairman of Natural England to the Environmental Audit Committee on 23rd July. In view of the importance of this evidence, we repeat here our request to the Inspectors (included at the end of our attached statement) that Environment Agency and Natural England be invited to provide evidence on this subject.

Kind regards

Hilary

Dr Hilary Newport

Director
The Kent Branch of CPRE



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CPRE Kent, Queen's Head House, Ashford Road, Charing TN27 0AD tel 01233 714541

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From: Cleve Hill Solar Park <CleveHillSolarPark@planninginspectorate.gov.uk>
Sent: 01 August 2019 14:59
To: Hilary Newport <hilary.newport@cprekent.org.uk>; Cleve Hill Solar Park <CleveHillSolarPark@planninginspectorate.gov.uk>
Subject: RE: Written representations from CPRE Kent

Dear Hilary,

Thank you for submitting this to the Planning Inspectorate.

I can confirm safe receipt of the request. This will be published as soon as practicable once the deadline has passed.

Kind Regards,

Paige

From: Hilary Newport [REDACTED]
Sent: 01 August 2019 14:55
To: Cleve Hill Solar Park <CleveHillSolarPark@planninginspectorate.gov.uk>
Subject: RE: Written representations from CPRE Kent

Dear Hefin

We will be making further submissions for Deadline 3 later today, but meanwhile we write to formally request that additional ISHs are scheduled covering (1) climate change and (2) the availability of alternative brownfield sites.

We also wish to record our support for GREAT's request for an ISH on the Setting of Heritage assets. We also endorse the Faversham Society's request for ISHs on the concerns over the Battery Energy Storage System and an additional hearing on Need, in the light of the recent publication of the National Grid Future Energy Scenarios report for 2019 (FES 2019).

Kind regards,

Hilary

Dr Hilary Newport
Director
The Kent Branch of CPRE



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From: Cleve Hill Solar Park <CleveHillSolarPark@planninginspectorate.gov.uk>

Sent: 25 June 2019 16:31

To: Hilary Newport <[REDACTED]>

Subject: RE: Written representations from CPRE Kent

Dear Hilary,

Thank you for your deadline 2 submissions. These will be published once the deadline has passed.

Kind regards,

Hefin

Hefin Jones

Rheolwr Achos / Case Manager

Cynllunio Seilwaith Cenedlaethol / National Infrastructure Planning

Yr Arolygiaeth Gynllunio / The Planning Inspectorate, Temple Quay House,
Temple Quay, Bristol, BS1 6PN

Llinell Uniongyrchol / Direct Line: 0303 444 5944

Llinell Gymorth / Helpline: 0303 444 5000

E-Bost / Email: hefin.jones@planninginspectorate.gov.uk

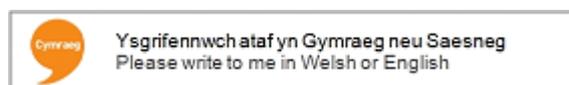
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Seilwaith Cenedlaethol/National Infrastructure Planning)

Wê / Web: www.gov.uk/government/organisations/planning-inspectorate
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From: Hilary Newport <[REDACTED]>

Sent: 25 June 2019 16:20

To: Cleve Hill Solar Park <CleveHillSolarPark@planninginspectorate.gov.uk>

Subject: Written representations from CPRE Kent

Dear Cleve Hill Solar team,

Please find attached three Written Representations from CPRE Kent (ref 20022146) covering:

- Ecology and Biodiversity
- Flooding
- Hydrology.

The latter paper refers to two supporting documents from external organisations, both attached separately for ease of reference. I would be most grateful for acknowledgement of receipt.

Kind regards

Dr Hilary Newport

Director

The Kent Branch of CPRE



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**National Infrastructure Planning
Cleve Hill Solar Park
CPRE Kent (Reference 20022146)**

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 APPLICATION MADE BY VEOLIA ES (HERTFORDSHIRE) LIMITED LAND AT 2 RATTY'S LANE, HODDESDON, HERTFORDSHIRE EN11 0RF
APPLICATION REF: 7/0067-17**

Attached is a decision letter from the Secretary of State for DHCLG (SoS) on the above inquiry. The letter is dated 19th July 2019.

The decision of the SoS overturned the recommendation of the inspector and planning permission was refused.

The Inquiry dealt with an application for an energy recovery facility for the treatment of waste.

The application was referred to the SoS, at his request, instead of it being dealt with by the local planning authority so a public inquiry was held.

The SoS agreed with the inspector's conclusions except those on highways and landscape.

This application has similarities to Cleve Hill Solar Park and the decision by the SoS is, we submit, an important precedent.

Highways

In paragraph 28 of his letter, the SoS points out that the "HGV numbers would clearly increase by a material amount as a consequence of the development proposed".

In paragraph 29 "that the potential for encounters between the pedestrians/cyclists would be materially greater, on all parts of Ratty's Lane, than is currently the case".

In paragraph 30 "Overall the Secretary of State considers that the concerns set out in paragraphs 26 and 29 above have not been satisfactorily addressed. He considers that in terms of both the free flow of traffic and the safety of users, the arrangement proposed is not just 'not ideal' as the Inspector recognises at IR17.198, but unacceptable".

Landscape and visual effects

There would be significant adverse visual effect which could not be mitigated by landscaping or other screening. There would be "significant adverse effect on the character and appearance of the surrounding area in terms of both landscape and visual impact attracts considerable weight against the scheme".

Need

There was an urgent and pressing need for the proposed facility.

Planning balance and overall conclusion

- The waste demands carries substantial weight in favour of the proposal

The Kent branch of the Campaign to protect Rural England exists to protect the beauty, tranquillity and diversity of the Kent countryside

**CPRE Kent Queen's Head House, Ashford Road, Charing, Kent TN27 0AD
www.cprekent.org.uk Phone 01233 714540 Email info@cprekent.org.uk**

Registered charity (number 1092012), limited company registered in England (number 4335730)

- The climate change benefits of the proposal also carry substantial weight
- There would be significant adverse landscape and visual impacts

Formal decision

The SoS disagrees with the Inspector's recommendation and refuses planning permission



Ministry of Housing,
Communities &
Local Government

Our ref: APP/M1900/V/18/3195373

Mr David Bridgwood
National Planning Manager
Veolia ES (UK) Ltd
8th Floor, 210 Pentonville Road
London N1 9JY

19 July 2019

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY VEOLIA ES (HERTFORDSHIRE) LIMITED
LAND AT 2 RATTY’S LANE, HODDESDON, HERTFORDSHIRE EN11 0RF
APPLICATION REF: 7/0067-17**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mrs J A Vyse DipTP DipPBM MRTPI, who held a public local inquiry between 19 June and 25 September 2018 into your client’s application to Hertfordshire County Council for planning permission for demolition of existing 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 an 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; two portacabin offices; sprinkler tank and pump room; drainage connection to the River Lee; security fencing; landscaping and highways improvements to Ratty’s Lane, in accordance with application ref: 7/0067-17, dated 20 December 2016.
2. On 1 February 2018, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client’s application be referred to him instead of being dealt with by the local planning authority.

Inspector’s recommendation and summary of the decision

3. The Inspector recommended that the application should be approved, and planning permission be granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector’s conclusions, except where stated, but disagrees with the Inspector’s recommendation. He has determined that planning permission should be refused. A copy of the Inspector’s report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government
Maria Stasiak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 1624
Email: PCC@communities.gsi.gov.uk

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). Having taken account of the Inspector's comments at IR1.5, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. On 1 April 2019 the Secretary of State was provided with an addendum report (AR) by the same Inspector to assist him in his consideration of the environmental issues in this case. The AR is attached, and references to paragraphs of that report are marked 'AR'.
7. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the adopted development plan consists of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan 2011-2026 (adopted November 2012); the Hertfordshire Waste Site Allocations Development Plan Document 2011–2026 (adopted July 2014), the Hertfordshire Minerals Local Plan Review 2002-2016 (adopted March 2007) and the Broxbourne Local Plan Second Review 2001-2011 Saved Policies (adopted December 2005). The Secretary of State considers that the development plan policies of most relevance to this case include those set out at IR5.3-5.30.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), and those matters set out in IR5.31-5.47. The revised National Planning Policy Framework was published on 24 July 2018, and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.
12. In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plan

13. The emerging Broxbourne Local Plan is undergoing examination. The Secretary of State considers that the emerging policies of most relevance include those set out in IR5.37-5.39.
14. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As the emerging Local Plan has not yet completed its examination, objections are not yet fully resolved and the policies may be subject to change, the Secretary of State considers that the emerging Local Plan carries limited weight.

Main issues

Location outside any defined area of search

15. For the reasons given in IR17.5-17.12 and IR18.2, the Secretary of State agrees with the Inspector that an Energy Recovery Facility (ERF) for the treatment of residual local authority collected waste (LACW) would not be in conflict with Policy 1 or policy WSA2 providing there is an overriding reason for locating it outwith an allocated site and subject to compliance with the policy 7 criteria (IR17.12). For the reasons set out in paragraphs 16 and 18 below, he considers that these conditions are met.

Need

16. For the reasons given in IR17.13-17.28 and IR18.3, the Secretary of State agrees with the Inspector that an urgent and pressing need for the proposed facility has been demonstrated (IR17.27). He further agrees that there is no conflict with the objectives of the Waste Management Plan for England, the National Planning Policy for Waste, core policies 12, 13 and 14 of the JMWMS or the principles of the LACW Spatial Strategy. He further agrees that there would be no conflict with policies 1, 3 and 7 of the WCS (IR17.28).

Technology choice

17. For the reasons given in IR17.29-17.32, the Secretary of State agrees with the Inspector that the proposed technology platform represents a flexible and efficient technology choice for dealing with the volume and variety of waste contained in the residual LACW stream, that it represents a rational choice and that there is no conflict with policy 3 of the WCS in this regard (IR17.31, IR17.32).

Alternative sites assessment (ASA)

18. For the reasons given in IR17.33-17.53, the Secretary of State agrees with the Inspector that the ASA, as updated, represents a proportionate response, providing a sufficient level of detail to allow a conclusion to be reached on the suitability and availability of potential alternatives and is thus adequate for its intended purpose. He further agrees that there is no obvious alternative site identified within the WSA or in areas of search C, D or E that would perform significantly better in environmental terms, that is suitable for the use proposed and is available for a development of the scale proposed. Given the compelling need for the proposed development, he agrees that that represents an

overriding reason for locating the development outside those clearly preferred areas, and like the Inspector finds no policy conflict in this regard (IR17.53).

Carbon balance and climate change

19. For the reasons given in IR17.54-17.64 and IR18.3-18.4, the Secretary of State agrees with the Inspector that there would be a saving in greenhouse gas emissions compared to the status quo. He further agrees that there would be no conflict with policy 10 of the WCS, with the National Planning Policy for Waste, section 14 of the Framework, or the principles of NPSs EN-1 and EN-3 (IR17.64).

Air/Water Quality and Health

20. For the reasons given in IR17.65-17.81 and IR18.5 and IR19.2, the Secretary of State agrees with the Inspector that the proposed ERF would not be a significant contributor to the overall nitrogen loading of aquatic habitats in the Lee Valley (IR17.74) and that while it would result in small but quantifiable increases in ambient concentrations of some airborne pollutants, any potential damage to health of those living close by is likely to be very small, if detectable at all (IR17.81 and IR18.5). He notes that there is nothing in the evidence before the Inquiry to indicate that such matters could not properly be controlled through the permitting process, and therefore agrees with the Inspector that there would be no conflict with the National Planning Policy for Waste in this regard (IR18.5). He further notes that the Inspector sets out that it is well established that it is for the permitting process (and not the planning regime) to regulate the incineration process and emissions arising from that process in the interests of preventing pollution and protecting public health. He therefore agrees that limited weight attaches to the perception of harm, particularly in relation to health matters, given the fears expressed by local people (IR19.2).

Heritage assets

21. For the reasons given in IR17.82-17.108 and IR18.6, the Secretary of State agrees with the Inspector that there would be no direct physical impact on any heritage asset, and that whilst the development proposed would be seen from numerous heritage assets in the locality to varying degrees, there would be no harm to the heritage significance of any asset. He further agrees that there is no conflict with policies 11, 13, 17, 18 or 19 of the WCS, policy HA6 of the emerging Broxbourne Local Plan or section 16 of the Framework (IR17.108). As the Secretary of State has found no harm, the provisions of paragraph 196 of the Framework do not come into play (IR17.109).

Ecology and wildlife

22. In reaching his conclusions on this matter, the Secretary of State has taken into account the Inspector's analysis and conclusions on likely significant effects in IR17.110-17.148 and IR18.7, as well as her further analysis and conclusions in AR1.1-8.2. For the reasons set out in these paragraphs, the Inspector has found that overall the development proposed would not result in a likely significant effect alone, or in combination with other plans and projects, on either Wormley-Hoddesdon Park Woods SAC or Epping Forest SAC (AR8.1). However, during the construction phase, dust is an emission of relevance to both the Lee Valley SPA and Ramsar and could potentially result in a likely significant effect. The integrity of the SPA and the Ramsar could also be affected by lighting during the construction phase, and noise and lighting once operational. She notes that in these circumstances an Appropriate Assessment would be required (AR7.1-7.2). The Secretary

of State agrees with the Inspector's conclusions on this matter. If permission were being granted, it would be for him as competent authority to carry out an Appropriate Assessment. However, as permission is not being granted, this is not necessary.

23. In order to inform an Appropriate Assessment (were it to be undertaken), the Inspector has helpfully gone on to provide limited consideration of the likely adverse effects identified and potential mitigation measures, and has concluded at AR7.3 that the mitigation measures set out in that paragraph would be likely to be secured and would, in her view, be sufficient such that there would be no adverse effect on the integrity of the designated sites. In the event that permission were being granted, these conclusions would be considered alongside all other relevant matters by the Secretary of State in the context of an Appropriate Assessment.

Highways and traffic

24. For the reasons given in IR17.149-17.178 and IR17.197, the Secretary of State agrees with the Inspector that only with controls in place to ensure that the HGV traffic is contained to the Permitted Route (other than local collection vehicles which of necessity travel local streets), to preclude HGV traffic at the site during the AM and PM peaks, and only if the New River bridge is in place prior to commissioning of the ERF, the residual impact on the highway network would not be severe (IR17.174 and IR17.197).

25. The Secretary of State has very carefully considered the Inspector's analysis of the effect of the proposal on the safety and free flow of users on Ratty's Lane itself, and her overall conclusions on highways and traffic (IR17.179-17.196, IR17.198 and IR18.8). He has taken into account that some measures have been proposed to mitigate the problems arising from the narrowness of the road, e.g. improvements to the site access, resurfacing, a signal-controlled shuttle system and briefing of HGV drivers (IR17.182-184).

26. However, the Secretary of State notes that there are remaining concerns. He agrees with the Inspector at IR17.185 that some encroachment by HGV drivers onto third party land is likely to occur at times, and that in some circumstances an HGV may be unable to pass even if the driver chose to drive over the kerbs and verges. He further notes that neither the Iron Mountain access nor the AD/ATT facility access points would be linked to the proposed signal controls, and agrees with the Inspector at IR17.186 that while the briefing could be shared with the operator of the AD/ATT facility, since the drivers of those vehicles are not under the control of the applicant, they are not bound into the arrangement and would be under no obligation to sign up to it. He agrees that in theory, using the adjacent land to facilitate passing could be prevented by the land owner, and notes Mr Crabb's acknowledgement (for the applicant) that were such a situation to arise on a public highway, it would be considered unacceptable (IR17.187).

27. The Secretary of State has taken into account that most (but not all) of Ratty's Lane is a private road (IR17.180). He has also taken into account that the Inspector refers to the use of the Lane as including 'a small car park at the end of the Lane ... currently used by anglers and walkers' (IR17.179), which is referred to in further submissions by other interested parties as 'public parking' required to be provided 'pursuant to the grant of planning permission for the ATT Plant and AD on Ratty's Lane' (IR13.38). He has further taken into account that there is currently an outstanding application for the Lane to be recognised as a byway open to all traffic (IR13.38 and IR17.195). Overall the Secretary of State has taken into consideration that although much of Ratty's Lane is a private road, it is accessible to and is used by the public.

28. The Secretary of State further notes the Inspector's view that other users of the private part of the lane might be more tolerant in relation to providing 'passing access' than might otherwise be the case, that no evidence was put before the inquiry to demonstrate that there is currently any significant problem in terms of free flow or safety, and that visibility is excellent in both directions. However, he agrees with the Inspector that HGV numbers would clearly increase by a material amount as a consequence of the development proposed (IR17.190).
29. The Secretary of State further notes that there was uncontested evidence that for part of its length, Ratty's Lane is narrower than the width required to allow a HGV to safely pass a pedestrian or cyclist (IR17.191-17.192). He has taken into account that there have been no recorded instances of collisions involving pedestrians or cyclists, that the actual frequency of interaction on the very narrowest section of the Lane would still be relatively low, and that the extant planning permission allows for a maximum of 200 daily traffic movements. None the less he agrees with the Inspector at IR17.194 that the potential for encounters between HGVs and pedestrians/cyclists would be materially greater, on all parts of Ratty's Lane, than is currently the case.
30. Overall the Secretary of State considers that the concerns set out in paragraphs 26 and 29 above have not been satisfactorily addressed. He considers that in terms of both the free flow of traffic and the safety of users, the arrangement proposed is not just 'not ideal' as the Inspector recognises at IR17.198, but unacceptable. In this case he does not consider the fact that the narrowest part of the Lane is not a public highway justifies a reduction in appropriate standards of traffic flow or safety, whether on the private part of Ratty's Lane or on Ratty's Lane as a whole.
31. In the light of the Secretary of State's conclusions above, he further concludes that the proposal is in conflict with paragraph 108(b) of the Framework, and he is not sufficiently satisfied that, just because part of Ratty's Lane is private, conflict with paragraph 109 of the Framework does not also arise. Like the Inspector he finds no conflict with policies 7, 9 or 15 of the WCS (IR17.199), but given his conclusions on highway safety, does find conflict with policy 13 of the WCS. He gives these matters substantial weight in the planning balance.

Landscape and visual effects

32. For the reasons given in IR17.200-17.232, IR18.9 and IR19.5, the Secretary of State agrees with the Inspector that from most vantage points, the development would, for the most part, not have significant adverse landscape or visual impact, given its context (IR17.230). However, he agrees that at close range there would be a significant adverse landscape impact in relation to the nearest part of the Lee Valley Regional Park, and a significant adverse visual impact from within the nearest part of the Lee Valley Park, but also from the elevated Stort Valley Way (IR17.231). This could not be mitigated by landscaping or other screening (IR18.9). He further agrees that there would be conflict, in this regard, with policies 11, 12, 18 and 19 of the WCS, and saved policy HD14 of the Broxbourne Local Plan. He further agrees that there would be conflict with policy DSC1 of the emerging Broxbourne Local Plan, objective WC2 and policies L1.1, LS1.2, LS2.1, LS1.5 and LS1.6 of the Lee Valley Park Plan, and policies DBE9, LL3, RST24 and GB7A of the Epping Forest Plan, as well as conflict with paragraphs 124 and 127 of the Framework (IR17.230-17.232 and IR18.9). The Secretary of State agrees with the Inspector that the significant adverse effect on the character and appearance of the surrounding area in terms of both landscape and visual impact attracts considerable weight against the scheme (IR19.5).

Noise and vibration

33. For the reasons given in IR17.233-17.239 and IR18.10, the Secretary of State agrees with the Inspector that with appropriate mitigation secured by conditions, the significance of effect in terms of noise and ground-borne vibration once the facility was operational would be negligible at all identified receptors, and there would be no conflict with policies 11, 12 and 13 of the WCS, policy SUS8 of the Broxbourne Local Plan or section 16 of the Framework (IR18.10).

Tourism and socio-economic effects

34. For the reasons given in IR17.240-17.243, the Secretary of State agrees with the Inspector that there is no evidence which conclusively demonstrates that the proposed development would have an adverse effect on local property markets or the vitality and viability of Hoddesdon town centre, and like the Inspector he finds no harm in this respect. He further agrees that there would be no conflict with the provisions of section 6 of the Framework (IR17.243).

Benefits of the scheme/implications of not proceeding

35. For the reasons given in IR17.244, the Secretary of State considers that meeting the urgent and pressing need for a long-term solution for dealing with Hertfordshire's waste attracts substantial weight in favour of the proposal. For the reasons set out in IR17.245 and IR17.246, the Secretary of State considers that the climate change benefits of the scheme in terms of saving greenhouse gas emissions and the provision of low carbon energy to the grid attracts substantial weight. He agrees with the Inspector that the hypothetical CHP prospects attract limited weight (IR17.247) and that the employment benefits attract little weight (IR17.248-17.249). He considers that the creation of further value in the waste processing chain through the recovery of metals and the use of IBA as a secondary aggregate attracts moderate weight (IR17.250), while highways improvements and additional planting and habitat creation each attract limited weight (IR17.251-17.252).

Other matters

36. For the reasons given in IR17.255-17.258 and IR18.9, the Secretary of State agrees with the Inspector that whilst the development proposed would have a presence and would clearly be seen from the Green Belt, there would be no impact on its actual openness, and thus there would be no conflict with national or local planning policy in this regard (IR17.257). He further agrees that there would be conflict with policy GB7A of the Epping Forest Plan, a material consideration in this case, but only in relation to the visual amenities of the Green Belt (IR17.258, IR18.9).

37. For the reasons given in IR17.259, the Secretary of State agrees with the Inspector that the Sequential Test is passed (IR17.260). He further agrees that the facility could be made safe and resilient from predicted flood risk effects, including an allowance for climate change, without increasing the risk of flooding elsewhere or necessitating provision of replacement flood plain storage, and that there is no conflict in this regard with policy 16 of the WCS, paragraph 163 of the Framework or policy W5 of the emerging Broxbourne Local Plan (IR17.261). He further agrees that the risk of contamination of groundwaters can be protected, and that there would be no conflict with policies 14 and 16 of the WCS in this regard, or with sections 14 and 15 of the Framework (IR17.263-17.264).

38. For the reasons given in IR17.265-17.269, the Secretary of State agrees with the Inspector that whilst there would, technically, be conflict with the wording of Minerals policy 10, given the combination of circumstances relating to the use of the railhead for the removal of IBA, there would be no actual harm by reason of non-compliance (IR17.269).
39. For the reasons given in IR17.270-17.278, the Secretary of State agrees with the Inspector that in terms of accessibility there would be no conflict with policy 15 of the WCS or with paragraphs 102 and 104 of the Framework.

Planning conditions

40. The Secretary of State has given consideration to the Inspector's analysis at IR15.1-15.8, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

Planning obligations

41. Having had regard to the Inspector's analysis at IR16.1 and IR17.279-17.290 and IR17.295-17.311, the planning obligation dated 4 October 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion that in the respects set out in IR17.279-17.290 and IR17.295-17.309, the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. He agrees with the Inspector's assessment of the travel plan contribution at IR17.291-17.294 and the diversion order at IR17.310-17.311, and has not taken these elements of the obligation into account in determining whether or not planning permission should be granted. Overall the Secretary of State does not consider that the obligation overcomes his reasons for refusing planning permission.

Planning balance and overall conclusion

42. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies 11, 12, 13, 18 and 19 of the WCS and saved policy HD14 of the Broxbourne Local Plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
43. Given the urgent and pressing need, the Secretary of State considers that the provision of an ERF with sufficient capacity to accommodate the waste demands of the county carries substantial weight in favour of the proposal, and the climate change benefits of the proposal also carry substantial weight. He further considers that the additional value created in the waste processing chain carries moderate weight, the highways improvements, habitat creation and potential for CHP each carry limited weight, and the employment and economic benefits carry little weight.
44. The Secretary of State considers that the significant adverse landscape and visual impacts, which as well as being in conflict with the development plan are also in conflict with emerging plan policies, policies of the Epping Forest Local Plan, policies of the Lee

Valley Park Plan, and the Framework, carry considerable weight against the proposal. He further considers that highways matters, including those on safety, carry substantial weight against the proposal. Taken together, the Secretary of State considers these matters justify refusal in this case. He considers that the perception of harm to health carries limited weight. In the light of his conclusions on highways matters, which are specific to this case, he does not consider that the scheme constitutes sustainable development.

45. The Secretary of State considers that there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. He therefore concludes that permission should be refused.

Formal decision

46. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses planning permission for demolition of existing 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 an 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; two portacabin offices; sprinkler tank and pump room; drainage connection to the River Lee; security fencing; landscaping and highways improvements to Ratty's Lane, in accordance with application ref: 7/0067-17, dated 20 December 2016.

Right to challenge the decision

47. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
48. A copy of this letter has been sent to Hertfordshire County Council and Rule 6 parties, and notification has been sent to others who asked to be informed of the decision.

Yours sincerely

Maria Stasiak

Authorised by the Secretary of State to sign in that behalf

Annex A Post-inquiry correspondence

Party	Date
Peter Madsen	1 September 2018
Mr and Mrs French	9 September 2018
The Hoddesdon Society (Jan Metcalfe)	2 October 2018
Broxbourne Borough Council (Cllr Mills-Bishop)	24 October 2018
Veolia UK Limited	29 November 2018
The Hoddesdon Society (Jan Metcalfe)	1 December 2018
The Hoddesdon Society (Jan Metcalfe)	1 April 2019
Broxbourne Borough Council (Douglas Cooper)	26 April 2019
Broxbourne Borough Council (Cllr Lewis Cocking)	22 May 2019
Veolia UK Limited	4 June 2019