



# **SCOPING OPINION:**

## Proposed Rivenhall IWMF and Energy Centre

**Case Reference: EN010138**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**06 June 2023**



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# 1. INTRODUCTION

- 1.0.1 On 25 April 2023, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Indaver Rivenhall Ltd (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Rivenhall IWMF and Energy Centre (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.
- 1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:  
  
<http://infrastructure.planninginspectorate.gov.uk/document/EN010138-000021>
- 1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.0.8 This Opinion has been prepared on the basis that the Proposed Development relates to an extension to the gross electricity generation output of the consented Rivenhall Integrated Waste Management Facility (IWMF, the 'consented scheme') from 49.9MWe to an excess of 50MWe gross electricity generation output as set out in section 3.1 of the scoping report. References to the Proposed Development in this Opinion relate to that extension. Section 2.2 of the scoping report explains the excavation works and construction of retaining walls underway of the consented scheme is underway and is scheduled for commission by 2025.
- 1.0.9 Section 6.2 of the scoping report sets out the Applicant's proposed ES assessment scenarios for the Proposed Development. In particular, the Applicant states that the *"present-day baseline will not be outlined in the technical chapters, unless needed to determine the Future Baseline; this scenario adds no value to the process, as the changes associated with the Proposed Development will be assessed against the EfW in the Consented Scheme being built and in-situ"*.
- 1.0.10 The Opinion has been adopted on the basis of the Proposed Development as described. The ES should consider the full extent of any provisions in the draft Development Consent Order (DCO) that have the potential to result in significant effects on the environment beyond those considered as part the Consented Scheme, and for which the detail may not have been forthcoming as part of the Scoping Report. For example, any powers sought in the DCO to vary the construction or operation of the facility, such as modification or disapplication of planning conditions attached to the existing Consented Scheme.
- 1.0.11 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

## 2. OVERARCHING COMMENTS

### 2.1 Description of the Proposed Development

(Scoping Report Section 3)

ID	Ref	Description	Inspectorate's comments
2.1.1	n/a	Terminology consistency	<p>The scoping report refers to both the 'Consented Scheme' and 'the 2016 Permission'. To avoid confusion, the ES should be consistent and refer to one of these terms only.</p> <p>Furthermore, paragraph 3.1.3 identifies the two work options as 'Work No.1' and 'Work No.2' yet Figure 3.1 refers to these as 'Option 1' and 'Option 2'. The ES should be consistent in its use of terminology.</p>
2.1.2	Figures and visual aids	Clarity	The text included for some of the figures is difficult to see or be able to read when zoomed in. The ES should ensure that all detail included in any visual aid is clearly labelled and remains clear when zoomed in.
2.1.3	Paragraph 3.1.3	Works options	The scoping report present two options which are being considered to allow the increase of steam capacity required to increase the generating capacity of the facility to over 50 MW. It is noted that the option chosen is dependent upon timescales involved in granting the DCO. The ES should explain how the worst-case scenario for each option has been assessed.
2.1.4	Section 3.1 and Figure 3.1	Size of the governor valves	The size of each governor valve or the total size of their arrangement is not stated within the scoping report. Paragraph 3.1.8 acknowledges that the design of governor valves depends on manufacturer, however details of approximate sizing should be provided within the ES.

ID	Ref	Description	Inspectorate's comments
2.1.5	Paragraphs 1.1.5 and Section 3.1	Project description	<p>Paragraph 1.1.5 states "<i>the greater generating capacity [of the Proposed Development] would be achieved by optimising the design and operation of the boiler, steam turbine and generator to provide a greater rate of energy recovery and by undertaking the engineering operations</i>".</p> <p>Section 3.1 includes the identification of the two Works options to be included in the DCO, however this only relate to changes to the governor valves. The ES should describe the Proposed Development in its entirety and clearly identify the specific differences with the Consented Scheme.</p>

## 2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 6)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraphs 3.1.3, 3.1.13, 3.1.14, 3.2.1 and 6.2.5	Integration of the Proposed Development Works options into the Consented Scheme	<p>The construction of the engineering works that comprise the Proposed Development (and to which the DCO will relate) are expected to have a one-to-two-week duration anticipated to occur in Q2 2024 (paragraph 3.2.1 of the scoping report).</p> <p>Paragraph 3.1.3 states that "<i>the work option implemented would depend on the timing of the granting of the DCO relative to the installation and commissioning phases of the Consented Scheme</i>".</p> <p>Paragraphs 3.1.3, 3.3.13 and 3.3.14 provide a description of Works No 1 and Works No 2, and paragraph 6.2.5 states that the implementation of the Proposed Development will require the EfW element of the Consented Scheme to be constructed. However, it is not clear at what stage of the Consented Scheme, the Proposed</p>

ID	Ref	Description	Inspectorate's comments
			Development would take place. The ES should explain for each option, whether the Consented Scheme will be under construction or operation when the works would be implemented.
2.2.2	Paragraph 3.1.12	Environmental Permit	The scoping report states that " <i>Any necessary variations to environmental permits and/or consents will be sought outside of the scope of the DCO application</i> ". The ES should cross reference information provided within the other DCO application documents regarding the content and progress of all required permit applications. It is not clear whether the Environmental Permit which is discussed in the scoping report relates to the Consented Scheme or the Proposed Development. The ES should clarify whether an Environmental Permit has been applied for the Proposed Development.
2.2.3	Paragraph 6.3.5	Mitigation measures	The scoping report states that any mitigation measures which are required as a result of the Proposed Development will be embedded into the design of the scheme. The description of mitigation measures in the ES should clearly distinguish between those required for the Proposed Development and those required for the Consented Scheme. The ES should explain how those measures are to be secured as part of the DCO in understanding their relationship to existing provisions attached to the Consented Scheme.
2.2.4	Paragraph 6.4.8	Construction Environmental Management Plan (CEMP)	The scoping report states that any updates required to the CEMP will be agreed and secured through the DCO process. To avoid confusion, the ES should explain what changes are required to the CEMP as a result of the Proposed Development or as a result of the Consented Scheme. The most recent version of the CEMP should be provided within the ES.
2.2.5	n/a	Transboundary	The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is

ID	Ref	Description	Inspectorate's comments
			<p>unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at <a href="http://infrastructure.planninginspectorate.gov.uk/legislation-andadvice/advice-notes/">http://infrastructure.planninginspectorate.gov.uk/legislation-andadvice/advice-notes/</a></p>



### 3. ENVIRONMENTAL ASPECT COMMENTS

#### 3.1 Climate Change and Greenhouse Gases

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Paragraph 7.4.8	Vulnerability of the Consented Scheme to climate change effects	The scoping report explains climate change may result in increases in winter precipitation, decreases in summer precipitation, increase of wind and storms and increases in summer temperatures. It provides justification as to why the Proposed Development would not be vulnerable to these changes, such as not introducing equipment which is vulnerable to flooding. As such the Inspectorate agrees this matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
3.1.2	Paragraphs 7.2.3 and 7.5.10	Carbon budgets	The scoping report states that the assessment will use the Institute of Environmental Management and Assessment (IEMA) guidance: Assessing Greenhouse Gas Emissions and Evaluating their Significance (2022); and that this guidance suggests a threshold of 5% of the budget is used as an indicative threshold for which carbon impacts above this level are likely to be significant, but also states that ' <i>any GHG emissions or reductions from a project might be considered to be significant</i> '. The ES should confirm if the suggested 5% threshold has been applied for the purposes of the assessment.

## 3.2 Noise

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraph 8.4.4	The effects of road traffic noise	<p>The scoping report explains that there will be no change in the number or the timing of vehicle trips relative to the Consented Scheme and therefore the operational Proposed Development is not expected to give rise to increased noise levels arising from road traffic.</p> <p>The Inspectorate agrees with the justification provided and agrees this matter can be scoped out of further assessment.</p>
3.2.2	Paragraph 8.4.5	Vibration effects	<p>The scoping report states that during the operational phase, the Proposed Development is unlikely to give rise to any vibration that would be measurable beyond the Site boundary. However as noted in ID 3.2.4 below, the Inspectorate considers that the scoping report has provided insufficient justification for scoping this matter out. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly the ES should include an assessment of this matter or the information referred to demonstrating the absence of likely significant effects.</p>

ID	Ref	Description	Inspectorate's comments
3.2.3	Chapter 8	Identification of noise effects on ecological receptors	The study area for the noise assessment, as stated in paragraph 8.3.2, includes the closest noise sensitive off-site receptors.

ID	Ref	Description	Inspectorate's comments
			<p>Paragraph 2.1.15 of the scoping report states that the closest ecological designated sites are Storey's Wood Local Wildlife Site (LWS) and Upney Wood LWS approximately 290m south and 900m south east of the Site respectively. It is noted however, that these ecological designations are not included within the noise assessment and only properties have been identified as noise sensitive receptors in paragraphs 8.56 to 8.5.8.</p> <p>The ES should ensure that all noise receptors are identified, and if receptors are to be excluded from the assessment, a justification should be provided.</p>
3.2.4	Paragraphs 3.1.9 to 3.1.11	Increased volume of steam sent to the turbine	<p>The scoping report states that although the total amount of steam generated by the Consented Scheme will be changed by the Proposed Development, Works No 1 or Works No 2 will allow "<i>a greater volume of the steam generated by the boiler to be sent to the turbine allowing the turbine to run more efficiently</i>".</p> <p>The scoping report does not state how this efficiency will be achieved. It is unclear if the increased volume of steam will increase the number of turbine rotations and whether this will lead to a change in noise or vibration effects. The ES should identify the impacts arising from the increased volume of team sent to the turbine as a result of the Proposed Development on relevant has on noise and vibration.</p>

### 3.3 Aspects to be Scoped Out

(Scoping Report Section 6 and 9)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.3.1	Paragraphs 6.4.9 and 9.1.4	Construction phase	<p>The scoping report seeks to scope out the construction phase. It provides justification that the construction of the Proposed Development will <i>"not result in a material change in construction phase effects from the Consented Scheme"</i>. However, ID 2.2.1 seeks clarification regarding timings of implementation of the Proposed Development, therefore, at this stage, the Inspectorate does not agree to scope this matter out. Furthermore, the ES should either include an assessment of the effects of construction or a justification as to why likely significant effects would not arise, including a description of any relevant mitigation measures and how delivery of these measures has been secured.</p>
3.3.2	Paragraphs 2.2.43 and 6.4.15	Decommissioning phase assessment	<p>The scoping report seeks to scope out an assessment of the decommissioning phase as it considers that there are no likely significant effects from the decommissioning phase of the Proposed Development. Paragraph 2.2.43 of the scoping report states that <i>"the Environmental Permit application included a commitment to prepare a Closure Plan at the appropriate time and included a list of generic measures to be considered in the Closure Plan"</i>. The scoping report appears to rely on the Closure Plan for concluding there would be no likely significant effects from the decommissioning phase.</p> <p>However, it is not clear whether the Environmental Permit discussed in the scoping report applies only to the Consented Scheme or also covers the Proposed Development. In addition, no information has been provided on the nature of the generic measures to be considered in the Closure Plan. The Inspectorate is not therefore in a position to agree to scope this matter out of further assessment. The</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			ES should either include an assessment of the effects of decommissioning or a justification as to why likely significant effects would not arise, including a description of any relevant mitigation measures and how delivery of these measures has been secured.
3.3.3	Paragraph 6.4.23	Effect interactions	The scoping report states that the aspects being assessed in the ES for the Proposed Development do not interact with the same receptors and therefore there is no potential for interactions to occur. This part of the cumulative assessment is therefore proposed to be scoped out of the ES. The Inspectorate agrees with this approach and considers this matter can be scoped out of further assessment.
3.3.4	Section 9.2	Air quality	<p>The scoping report states that the Proposed Development will introduce a more modern and efficient plant than that which is included in the Consented Scheme. The Proposed Development will not change the combustion of waste or treatment of flue gases or types of waste to be combusted. As such, the releases to the atmosphere and abatement techniques will not change. Emissions to air are limited through an Environmental Permit.</p> <p>The Inspectorate agrees that this aspect can be scoped out of further assessment.</p>
3.3.5	Section 9.3	Land use and contaminated land	Previous surveys for the Consented Scheme did not identify any contamination and the Proposed Development does not include breaking of ground nor any underground works. Excavation works for the Consented Scheme have already commenced. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.6	Section 9.4	Ground and surface water (and flood risk)	Paragraph 2.1.16 states that " <i>Based on the Environment Agency flood maps, the Site is shown to be located within Flood Zone 1 (low probability of fluvial flooding) and has a low probability of surface</i>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p><i>water flooding.</i>" The Proposed Development is a change to the engineering operation and will not require additional water consumption or changes to water discharge. The Inspectorate agrees that this aspect can be scoped out of further assessment.</p> <p>It should be noted that paragraph 9.4.3 states that the site is not located in a Source Protection Zone, however, the site does fall within the extent of a groundwater Source Protection Zone 3, and this should be correctly reported in the ES.</p>
3.3.7	Section 9.5	Ecological impact and ecological risk assessment	The scoping report states that Condition 54 of the Consented Scheme has been discharged, with a Habitat Management Plan agreed for the IWMF Site. The Proposed Development will not result in any changes to the external works undertaken, there will not be an increase of vehicular traffic and no additional land is required. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.8	Section 9.6	Landscape and visual impacts	The scoping report explains that there will be no changes to the external appearance of the IWMF building and no changes to the landscaping strategy. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.9	Section 9.7	Archaeology and cultural heritage	The scoping report explains that the Proposed Development is a change to the engineering operation and will not require breaking of ground or underground works. No additional land is required. Demolition works associated with the Consented Development have been completed and restoration works to a group of Grade II listed buildings at Woodhouse Farm have commenced. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.10	Section 9.8	Travel and transport	The scoping report explains the Proposed Development would not lead to a change in the permitted number of vehicle movements

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			associated with the Consented Scheme. For this reason, the scoping report states that no new or materially different effects are anticipated in relation to travel and transport. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.11	Section 9.9	Nuisance impacts assessment (bioaerosols, odour, litter, insects, vermin and birds)	The scoping report states that the Proposed Development would not alter how waste is received or stored on the site. It would also not change removal of any waste products from the site. There are no new nuisances from what was considered for the Consented Scheme. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.12	Section 9.10	Light pollution	The scoping report states that the Proposed Development will not require a change in the current Consented Scheme as all works are internal. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.13	Section 9.11	Social and community issues	The scoping report states that the Proposed Development would not lead to changes in employment numbers from what was considered for the Consented Scheme. The Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.14	Section 9.12	Human health	The scoping report states that there may be very small interactions with human health regarding noise levels from the Proposed Development. However, this is considered to be at a level which would not result in significant effects given the Consented Scheme's planning conditions relating to noise as set out in paragraphs 8.5.2 to 8.5.8 and Table 8.1. Therefore, the Inspectorate agrees that this aspect can be scoped out of further assessment.
3.3.15	Section 9.13	Waste and minerals	The scoping report states that the Proposed Development will not change the volume or types of waste which will be processed by the

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>facility. Residues which will be generated are also expected to remain unchanged. Therefore, the Inspectorate agrees that this aspect can be scoped out of further assessment.</p>
3.3.16	Sections 3.1 and 9.14	Vulnerability to major accidents and disasters	<p>The scoping report states that the Proposed Development includes increased electrical output, however it is considered that this would not change the vulnerability of the Proposed Development to major accidents and disasters.</p> <p>The scoping report confirms that the Proposed Development comprises only of internal works within the Consented Scheme and there will be no external changes that were approved as part of the Consented Scheme. The scoping report also states that works for the Proposed Development will be undertaken by qualified engineers.</p> <p>As such, the Inspectorate agrees this aspect can be scoped out.</p>
3.3.17	Paragraph 9.6.2 and Section 9.15	Aviation	<p>The scoping report states that there will be no changes to the maximum permitted building height of 85m AOD which includes the stack height. The scoping report states that Condition 17, which was approved by the Waste Planning Authority for the Consented Scheme, will ensure there is no visible plume from the stack. On this basis, the Inspectorate agrees that this aspect can be scoped out of further assessment.</p>
3.3.18	Section 9.16	Energy and utilities	<p>The scoping report states that although the Proposed Development will include "an uplift in electrical output generation relative to the Consented Scheme" the Proposed Development would not require and amendment in the utilities infrastructure associated with the Consented Scheme. On this basis, the Inspectorate agrees that this aspect can be scoped out of further assessment.</p>



<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed aspects to scope out</b>	<b>Inspectorate's comments</b>
3.3.19	Section 9.17	Electromagnetic fields	<p>The scoping report states that there are no buried or overhead power lines on the site of the Proposed Development. An overhead line is located on the access route at the very northern tip of the access road. The Proposed Development does not include major sources of electro-magnetic fields (such as high voltage transformers or electricity transmission line/cable) and all new electrical plant will be designed in accordance with the current British Standards (eg BS EN 62041:2020) which set the specific limits for electro-magnetic fields.</p> <p>On this basis, the Inspectorate agrees that this aspect can be scoped out of further assessment.</p>
3.3.20	Section 9.18	Telecommunications	<p>The ES for the Consented Scheme assessed potential effects on digital terrestrial and satellite television reception. There are no navigational aids or major telecommunication relay stations in the immediate vicinity of the site and the height and scale of the Proposed Development remains the same as the Consented Scheme.</p> <p>On this basis, the Inspectorate agrees that this aspect can be scoped out of further assessment.</p>



## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>1</sup>**

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS Mid and South Essex Intergrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Comission for England	Historic England
The relevant fire and rescue authority	Essex County Fire and Rescue Service
The relevant police and crime commissioner	Essex Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Kelvedon Parish Council
The Environment Agency	The Environment Agency
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Essex County Council Highways Authority
The relevant strategic highways company	National Highways
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
The Forestry Commission	Forestry Commission East and East Midlands

<sup>1</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Secretary of State for Defence	Ministry of Defence
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>2</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Integrated Care Board	NHS Mid and South Essex Intergrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	East of England Ambulance Service NHS Trust
The relevant NHS Foundation Trust	Mid and South Essex NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
Railways	National Highways Historical Railways Estate
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Anglian Water
	Essex and Suffolk Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc

<sup>2</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Grid Gas Plc
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Eastern Power Networks Plc
	UK Power Networks Limited
	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

**TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>3</sup>**

LOCAL AUTHORITY <sup>4</sup>
South Cambridge District Council
Uttlesford District Council
Chelmsford City Council
Colchester Borough Council
Maldon District Council
Babergh District Council
West Suffolk Council
Braintree District Council
Essex County Council

<sup>3</sup> Sections 43 and 42(B) of the PA2008

<sup>4</sup> As defined in Section 43(3) of the PA2008

<b>LOCAL AUTHORITY<sup>4</sup></b>
Medway Council
London Borough of Havering
Enfield Council
Waltham Forest Council
London Borough of Redbridge
Southend-on-Sea Borough Council
Thurrock Council
Cambridgeshire County Council
Suffolk County Council
Hertfordshire County





## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

<b>CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:</b>
Braintree District Council
Enfield Council
Environment Agency
ESP Utilities Group Ltd
Essex County Council
Essex County Fire and Rescue Service*
Forestry Commission
Health and Safety Executive
Historic England
Medway Council
National Grid Electricity Transmission Plc
National Highways
Natural England
Office for Nuclear Regulation
Suffolk County Council
UK Health Security Agency
West Suffolk Council

\* Essex County Fire and Rescue Service submitted two responses; one from the service's North West Group Delivery Point and the second was received from their Future Infrastructure Risk Team.

Your ref: EN010138  
Ask for: Alan Massow  
Dial: 01376 552525  
Ext: [REDACTED]  
Date: 23/05/23

District Development  
Causeway House Braintree  
Essex CM7 9HB  
Tel: 01376 552525  
Fax 01376 557787  
[www.braintree.gov.uk](http://www.braintree.gov.uk)

Via e-mail – [rivenhalliwmf@planninginspectorate.gov.uk](mailto:rivenhalliwmf@planninginspectorate.gov.uk)

Dear Sir/Madam,

### **EIA Scoping Report Rivenhall IWMF Development Consent Project – Consultation**

Thank you for consulting Braintree District Council on the EIA Scoping consultation held between 25 April and 23 May 2023 by the Planning Inspectorate in respect of Application by Indaver Rivenhall LTD (the Applicant) for an Order granting Development Consent for the Rivenhall IWMF and Energy Centre (the Proposed Development).

The Proposed Development proposes to improve the efficiency of the EfW at the IWMF, resulting in a generating capacity increase over 49.9 MW. This will be achieved through a number of physical works that are 'engineering operations' and, therefore 'development' for the purposes of Section 32 of the Planning Act 2008. The engineering operations would involve works to the governor valves to enable the capacity to exceed 49.9 MW.

Braintree District Council have the following comments and observations to make.

#### **Climate Change**

This development will be one of the most significant carbon dioxide emitters in Braintree District. Please can it be noted that the revised scheme sits in the middle of the Essex County Council (ECC) land allocation of a Climate Focus Area that encompasses the Colne and Blackwater catchment areas for the purpose of enhanced environmental land stewardship practices. Will ECC be consulted, and opportunities explored to reduce the environmental impact of this scheme?

In 2.2.17 it states that Condition 29 of the 2016 Permission limits to the total waste inputs of the scheme to a maximum of 853,000 tonnes per annum of municipal solid waste and commercial and industrial waste. The total waste inputs would not be changed by this proposal. The EfW plant can combust 595,000 tonnes of waste per annum and generate no more than 49.9 MWe. The new scheme is assumed will generate 50+ MWe. While this increase in electricity generation is welcomed, if this proves to generate greater carbon dioxide emissions at source what mitigation would be offered?

Impacts of climate change Will the revised scheme result in an increase in water consumption, and therefore increase in pressure on local water resources? Will the revised scheme offer any water saving measures that improve on the consented

scheme?

7.4.2 Potential Effects and Mitigation states It is anticipated that direct emissions of greenhouse gases will be unchanged as a result of the Proposed Development. The same amount of waste would be combusted, leading to the same quantity of carbon dioxide being released to the atmosphere. Why has the opportunity of carbon capture not been explored with this revised scheme?

7.5.7 and 7.5.8 When measuring carbon emissions against Industrial and Commercial Other Fuels, will the calculations account for emissions not only for transporting waste to site but does it also factor in those empty lorry movements after they have left site? Will the transportation from site of metals recovered and processed residual waste then go to landfill?

With the current and future requirement for EV infrastructure in the lead up to 2030, will this revised scheme include EV charging infrastructure?

## **Noise**

Receptors at Silver End and Park Gate Road should be included within the assessment to ensure adequate assessment of nearby sensitive receptors in varying directions of propagation.

The Scoping Report states that the calculations provided by the EPC contractor would be relied upon in the event that data provided by the EPC contractor is unsuitable. In such a case it would be necessary to undertake revised calculations. It is assumed that this is a typo. However, clarification is required to confirm that 'Method 2' would be utilised in the event that 'Method 1' is deemed unsuitable.

The site is controlled by planning conditions and it is appropriate to employ these thresholds when demonstrating compliance with the existing consent. However, demonstration of compliance with planning conditions does not directly correlate to the likelihood of residential effects. The proposed assessment thresholds would allow the planning conditions to be breached without presenting adverse impacts. It is recommended that, for the purpose of the ES, correlation between the two should not be suggested.

It is therefore recommended that an updated survey is undertaken to support the identification of thresholds for residential impacts. The thresholds should be based on existing or updated survey data, whichever is lower. Survey data for all survey periods should be presented and for all working periods. Presentation of survey data should include statistical analysis of background sound levels for all survey years. Assessment of rating sound levels over background should be presented within the ES in order to provide further context to the assessment.

## **Air Quality**

There will be no change to the impacts on air quality from the Proposed Development and we concur with the view that air quality can be scoped out of the ES, subject to the comments set out above in respect of lorry movements. Additionally, further assessment of air quality using the revised emission limits provided in the new BREF note would result in lower concentrations of pollutants predicted for the plant in comparison to the 2015 ES Addendum.

## **Landscape and Visual effects**

The report proposes to scope out considerations of landscape and visual effects from the forthcoming Environmental Impact Assessment (EIA). On page 63, paragraph

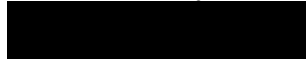
9.6.4, the rationale for this is given:

“The Proposed Development will be contained within the IWMF building and would not lead to any changes in the building envelope, facade or external landscaping strategy of the Consented Scheme. Given the absence of any visibility of the Proposed Development, it is considered that an assessment of landscape and visual effects can be scoped out of the ES”.

With no external changes to the facility, we agree with this conclusion. There are likely to be no significant landscape and visual effects arising from the changes outlined in the DCO application.

Please note that this is an officer level response.

Yours sincerely,

A black rectangular redaction box covering the signature of Alan Massow.

Alan Massow - Principal Planning Policy Officer

Attachments

Comments on Noise and Air Quality – Entran

Comments on Landscape and Visual effects – Wynne-Williams Associates

## EIA Scoping Report Review (Noise and Air Quality)

This technical note reviews Sections 8 and 9 of the Rivenhall IWMF DCO Scoping Report, pertaining to noise and air quality impacts arising from fixed plant and machinery.

### **SUMMARY**

#### Noise (Section 8)

Receptors at Silver End and Park Gate Road should be included within the assessment to ensure adequate assessment of nearby sensitive receptors in varying directions of propagation.

The Scoping Report states that the calculations provided by the EPC contractor would be relied upon in the event that data provided by the EPC contractor is unsuitable. In such a case it would be necessary to undertake revised calculations. It is assumed that this is a typo. However, clarification is required to confirm that 'Method 2' would be utilised in the event that 'Method 1' is deemed unsuitable.

The site is controlled by planning conditions and it is appropriate to employ these thresholds when demonstrating compliance with the existing consent. However, demonstration of compliance with planning conditions does not directly correlate to the likelihood of residential effects. The proposed assessment thresholds would allow the planning conditions to be breached without presenting adverse impacts. It is recommended that, for the purpose of the ES, correlation between the two should not be suggested.

It is therefore recommended that an updated survey is undertaken to support the identification of thresholds for residential impacts. The thresholds should be based on existing or updated survey data, whichever is lower. Survey data for all survey periods should be presented and for all working periods. Presentation of survey data should include statistical analysis of background sound levels for all survey years. Assessment of rating sound levels over background should be presented within the ES in order to provide further context to the assessment.

#### Air Quality (Section 9)

There will be no change to the impacts on air quality from the Proposed Development and we concur with the view that air quality can be scoped out of the ES. Additionally, further assessment of air quality using the revised emission limits provided in the new BREF note would result in lower concentrations of pollutants predicted for the plant in comparison to the 2015 ES Addendum.

## **NOISE**

### **Legislation, Planning Policy and Guidance**

The policy and guidance referenced within the scoping report comprises typical national guidance as well as local Braintree and Essex policies. The local policies do not stipulate specific guidance and it is deemed appropriate to adopt the guidance as presented within BS 4142:2014+A1:2019.

### **Baseline and Study Area**

#### Study Area

The study area extends to the nearest residential receptors. On the basis that impacts will be mitigated at the nearest residential receptors, undertaking the assessment at these receptors would allow reasonable means of identifying likely impacts.

The study area does not include the nearest receptors to the south or south-west of the site (Silver End and Park Gate Road).

#### Baseline

Both baseline surveys are now significantly out of date and may not be representative of the current acoustic environment. It is stated within the Scoping Opinion that the ambient environment is unchanged over the last 18 years based on previous surveys undertaken in 2005 and 2015. Given the substantial time since the surveys the data may no longer be representative of the current ambient environment.

Additionally, it is proposed within the Scoping Report that the ES will adopt previously stipulated criteria as detailed within the existing planning consent. Compliance with planning conditions does not inherently demonstrate an absence of residential effects and direct reference should be made to the baseline environment. This may provide the same values as those proposed; however, the identification of assessment thresholds should be presented with reference to the existing noise climate.

Given the timeframe between the previous surveys and the current ES it would be prudent to undertake an updated survey in order to adequately validate the existing noise climate. It is noted that the operational plant at the existing site may affect the survey data but it remains preferable to undertake a revised survey for further context. Any survey should be undertaken over a period to include weekdays and weekends to allow consideration of all operational periods.

### Future Baseline

On the basis that the quarrying activity does not take place during night-time and weekend periods it is a reasonable assertion that the cessation of quarrying activity would not affect the more sensitive assessment periods.

### Potential Effects and Mitigation

The proposed site has the potential to generate sound levels that may give rise to impacts at surrounding receptors. The Scoping Option states that sound levels associated with the site will be considered to inform identification of appropriate mitigation measures. Consideration of the combined level arising from all on-site sound generating plant would provide a comprehensive assessment.

### Non-Significant Effects

As there is no change in vehicle trips associated with the site it is accepted that there would be no change in effects due to road traffic and no further consideration is required.

The distance between the site and sensitive receptors is such that impacts due to vibration are unlikely. It is acceptable to scope vibration out of the ES Chapter.

## **Assessment Methodology**

### Establishing Baseline Conditions

It is acknowledged that the site is already controlled by planning conditions associated with the existing consent. However, compliance with planning conditions should not be considered to demonstrate an absence of significant effects.

It is noted that the planning condition does not identify whether the limits apply to specific or rating sound levels. Whilst the assessment will be made in accordance with BS 4142, it is acknowledged that the absolute sound level may be more appropriate where background sound levels are low. It is therefore appropriate to consider specific sound levels for identification of planning condition compliance.

It is recommended that an assessment of rating levels is undertaken, in addition to assessment of specific levels against the extant environment, to provide further context to the assessment and further ensure the likelihood of residential effects remains low.

### Establishing Planning Conditions

Sound levels arising from the existing site are currently controlled by way of planning conditions. The Scoping Report proposes that the existing conditions are adopted to ensure the likelihood of impact remains low. However, it should be acknowledged that planning conditions may not directly correlate with the onset of significant effects. Additionally, planning conditions should be met at all times.

As the existing conditions are already in place for the control of sound levels it is considered acceptable to adopt these stipulations when considering compliance for the revised plant items and activities. However, the threshold for residential effects should be based on survey data and the reasoning for such thresholds should be adequately laid out within the ES.

Calculations and assessment should be based on combined sound levels arising from all on-site equipment during any assessment period, to ensure that combined sound levels fall below the planning condition requirements.

### Identifying Key Receptors

It would be prudent to include residential receptors at Silver End and Park Gate Road, which are the nearest residential dwellings to the south and south-west of the site. All other identified receptors are considered appropriate.

### **Defining Assessment Approach**

#### Predicted Noise Levels

The assessment methodology will need to outline the assumptions in sufficient detail; including information such as plant list, source data, on-times, expected usage. Provided this data can be presented either method would be considered suitable on the assumption that the HZI calculations have been undertaken in accordance with BS 4142 and ISO 9613-2.

Paragraph 8.5.10 states that 'Method 1' will be utilised in the event that the HZI data is not appropriate. Method 1 comprises the use of the HZI data/calculations and therefore would not be appropriate to use in the event that issues arise with the data adopted by HZI.

Confirmation is required as to which method would be undertaken in the event that the HZI data is unsuitable for assessment.



### Assessment Methodology

The consented scheme is subject to noise limits by way of planning condition and the sound levels will be required to fall below the stipulated criteria. However, it is recommended that an amended survey is undertaken to demonstrate the suitability of adopting these as assessment criteria for residential effects. Background sound levels should also be presented to allow adequate consideration of context.

### Assessment of Key Effects

The methodology for identifying the onset of significant effects (Medium impacts) employs the principal of 3 dB for perceptible change. Whilst this is typically appropriate for context-based considerations, the proposed threshold scale for impact magnitudes would present non-significant effects in instances where the planning condition is exceeded. The scale therefore has the potential to under-represent instances where the planning conditions are not met.

Additionally, the suggestion of a correlation between planning conditions and residential effects should be avoided to ensure non-significant effects do not imply compliance with the planning conditions. An amended survey is recommended to ensure that the adopted values remain appropriate for the onset of residential effects.

It is assumed that assessment against the planning condition criteria is undertaken using the specific level of plant items. Whilst not strictly in line with BS 4142, consideration of the specific sound level is considered appropriate for assessment of compliance with the associated planning conditions. This method is also considered appropriate for consideration of the site sound level over the ambient environment. However, consideration of rating levels should also be undertaken to provide suitable consideration of context.

An amended survey is recommended to demonstrate the suitability of applying planning conditions to thresholds for residential effects. The onset of residential effects should be based on the previous or obtained survey data, with the lower dataset being preferred. Consideration of rating levels should also be undertaken to ensure adequate consideration of the site context.

## **AIR QUALITY**

An assessment of Air Quality has been scoped out of the EIA, this review therefore considers the validity of the reasons for scoping out.

The Proposed Development would extend the generating capacity of the Consented Scheme by allowing a greater proportion of steam to reach the electricity-generating turbine. The Proposed

Development involves only an engineering operation to replace the governor valves that have a mechanical stop (as specified in the Consented Scheme) with governor valves that do not have a mechanical stop.

The governor valves determine the amount of steam that is sent to the turbine, the Proposed Development will therefore not alter the total amount of steam generated only the amount of steam sent to the turbine.

There would be no changes to the Consented Scheme with regards to the volume of waste processed or the building or stack arrangements. The treatment and volume of flue gases generated will also not be altered as a result of the Proposed Development.

An assessment of air quality has been scoped out of the ES for the Proposed Development. The following reasons have been provided within the EIA Scoping Report:

- The treatment of flue gasses remains as per the Consented Scheme;
- The Proposed Development introduces a more modern and efficient plant into the facility than that proposed under the Consented Scheme;
- There will be no changes to the combustion of waste or the treatment of the flue gases. The same waste will be combusted and the releases to atmosphere and abatement techniques will remain unchanged.

As there will be no change to the impacts on air quality from the Proposed Development, an assessment of air quality has been scoped out. We concur with this view and agree that air quality can be scoped out of the ES.

Furthermore, it is noted in the EIA Scoping Report that a revised Waste Incinerator BREF note has been agreed since the 2015 ES Addendum was produced. This provides amended emission limits for the plant that are more stringent than those assessed in the air quality assessment provided within the 2015 ES Addendum. As noted in the EIA Scoping Report, a further assessment of air quality using the revised emission limits provided in the new BREF note would result in lower concentrations of pollutants predicted for the plant in comparison to the 2015 ES Addendum. We also concur with this view.

# WWA Response to the Rivenhall IWMF EIA Scoping Report

Prepared for: Braintree District Council

Date: May 2023

## 1 Introduction

This response has been compiled following an initial review of the Rivenhall IWMF DCO Project EIA Scoping Report compiled by Indaver Rivenhall Limited in April 2023. The report explains how the facility was previously granted planning permission by Essex County Council in February 2016.

The new Development Consent Order (DCO) application relates to changes in mechanical operation of the previously consented facility and there are no changes to any external element of the site.

## 2 EIA Scoping

The report proposes to scope out considerations of landscape and visual effects from the forthcoming Environmental Impact Assessment (EIA). On page 63, paragraph 9.6.4, the rationale for this is given:

“The Proposed Development will be contained within the IWMF building and would not lead to any changes in the building envelope, facade or external landscaping strategy of the Consented Scheme. Given the absence of any visibility of the Proposed Development, it is considered that an assessment of landscape and visual effects can be scoped out of the ES”.

With no external changes to the facility, we are in agreement with this conclusion. There are likely to be no significant landscape and visual effects arising from the changes outlined in the DCO application.

Robert Browne  
Director  
CMLI

Karen Wilkinson  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Please reply to: Lap-Pan Chong

Email: [Development.control@enfield.gov.uk](mailto:Development.control@enfield.gov.uk)  
My ref: 23/01486/OAPINS  
Date: 23 May 2023

Dear Sir/Madam

**Town and Country Planning Act 1990**

**NO OBJECTIONS RAISED**

Proposed work: Rivenhall IWMF DCO Project -Development Consent Order to increase the generating output of the consented Rivenhall IWMF (Proposed Development).

At: Rivenhall IWMF Site (IWMF Site) At The Former Rivenhall Airfield, East Of Braintree.

Thank you for your notification of the above development which was registered in this office on 25th April 2023.

I have reviewed the information provided on your website and consider that the proposals would not have any strategic implications for this Borough.

Yours faithfully

Lap-Pan Chong

**IMPORTANT** – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to [www.enfield.gov.uk/connected](http://www.enfield.gov.uk/connected)

Via email:  
[rivenhallwmf@planninginspectorate.gov.uk](mailto:rivenhallwmf@planninginspectorate.gov.uk)

**Our ref:** AE/2023/128293/01-L01  
**Your ref:** EN010138

**Date:** 17 May 2023

Dear Sir / Madam

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA  
REGULATIONS) – REGULATIONS 10 AND 11**

**APPLICATION BY INDAVER RIVENHALL LTD (THE APPLICANT) FOR AN  
ORDER GRANTING DEVELOPMENT CONSENT FOR THE RIVENHALL IWMF  
AND ENERGY CENTRE (THE PROPOSED DEVELOPMENT)**

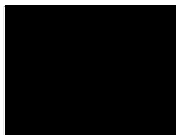
**SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S  
CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE  
APPLICANT IF REQUESTED**

Thank you consulting us on the EIA scoping report (April 2023) for the Rivenhall IWMF (Integrated Waste Management Facility) Development Consent Order Project.

The only comment we would wish to make at this time is to highlight that the site falls within the extent of a groundwater Source Protection Zone 3. This is contrary to the final line in section 9.4.3 which states that: "The Site is not located in a groundwater Source Protection Zone". However, we do not disagree with the conclusion that groundwater issues can be scoped out of the assessment, on the basis that there are no below ground interventions proposed, and the potential water environment effects will not increase compared to the consented scheme.

We have no further comments on scoping report.

Yours faithfully



**MR MARTIN BARRELL**  
**Sustainable Places - Planning Specialist**

Direct dial [REDACTED]  
Direct e-mail [REDACTED]@environment-agency.gov.uk

**East Anglia area (East) - Iceni House**  
Cobham Road, Ipswich, Suffolk, IP3 9JD  
General Enquiries: 08708 506506 Fax: 01473 724205  
*Weekday Daytime calls cost 8p plus up to 6p per minute from BT Weekend Unlimited.*  
*Mobile and other providers' charges may vary*  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
Website: [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## Woodger-Bassford, Jade

---

**From:** ESP Utilities Group Ltd <donotreply@espug.com>  
**Sent:** 18 May 2023 11:58  
**To:** Rivenhall IWMF  
**Subject:** Reference: PE176353. Plant Not Affected Notice from ES Pipelines

Rivenhall IWMF  
Planning Inspectorate

18 May 2023

Reference: EN010138 Rivenhall

Dear Sir/Madam,

Thank you for your recent plant enquiry at: Woodhouse Lane, Kelvedon, Braintree, Essex, CO5 9DF

I can confirm that ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP Utilities Group Ltd are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

### **Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espug.com](mailto:PlantResponses@espug.com)

**ESP have provided you with all the information we have to date however, there may be inaccuracies or delays in data collection and digitisation caused by a range of practical and unforeseeable reasons and as such, we recommend the following steps are taken as a minimum before work is commenced that involves the opening of any ground and reference made to HSG47 (Avoiding danger from underground services).**

**A. Plans are consulted and marked up on site**

**B. The use of a suitable and sufficient device to locate underground utilities before digging (for example the C.A.T and Genny)**

**C. Trial holes are dug to expose any marked up or traced utilities in the ground**

**D. If no utilities are shown on any plans and no trace is received using a suitable and sufficient device, trial holes are dug nonetheless using hand tools at the location or at regular intervals along the location that the work is being carried out depending on the length of excavation work being undertaken**

**E. All location work is carried out by individuals with sufficient experience and technical knowledge who may choose to control this activity under a Safe System Of Work**

Yours faithfully,

Plant Protection Team  
**ESP Utilities Group Ltd**



Bluebird House  
Mole Business Park  
Leatherhead  
KT22 7BA

☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

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# Report to the Secretary of State for Communities and Local Government

by M P Hill BSc MSc CEng MICE FGS

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ GTN 1371 8000

Date: 22 December 2009

TOWN AND COUNTRY PLANNING ACT 1990

ESSEX COUNTY COUNCIL

APPLICATION

By

GENT FAIRHEAD & CO. LIMITED

Inquiry held on 29 September 2009

Rivenhall Airfield, Essex C5 9DF.

File Ref(s): APP/Z1585/V/09/2104804

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**ACRONYMS AND ABBREVIATIONS USED IN THE TEXT**

AD	Anaerobic Digestion
BAT	Best Available Technique
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review
BPEO	Best Practical Environmental Option
CABE	The Commission on Architecture and the Built Environment
CD	Inquiry Core Documents
CG	Community Group
CHP	Combined Heat and Power
C&I	Commercial and Industrial
CNEEFOE	Colchester and North East Essex Friends of the Earth
CPRE	Campaign to Protect Rural Council
Defra	Department of Environment, Food and Rural Affairs.
DMRB	Dept. of Transport's Design Manual for Roads and Bridges
DP	Development Plan
EA	Environment Agency
EAL	Environmental Assessment Level
ECC	Essex County Council
EEP	East of England Plan (2008) - the Regional Spatial Strategy
EERA	East of England Regional Assembly
EfW	Energy from Waste
EP	Environmental Permit
eRCF	The evolution of the Recycling and Composting Facility – the proposal which is the subject of the present application
ESRSP	Essex & Southend-on-sea Replacement Structure Plan
ES	Environmental Statement
FOE	Friends of the Earth
IPPC	Integrated Pollution Prevention and Control
IWMF	Integrated waste management facility
JMWMS	Joint Municipal Waste Management Strategy
LBCA	Planning (Listed Buildings and Conservation Areas) Act 1990
LCG	Local Councils Group
LVIA	Landscape and Visual Impact Assessment
MBT	Mechanical Biological Treatment
MDIP	Market de-inked paper pulp
MDR	Mixed Dry Recyclables
MOW	Mixed Organic Waste
MRF	Materials Recycling Facility
MSW	Municipal Solid Waste
mtpa	million tonnes per annum
NE	Natural England
OBC	Essex County Council Outline Business Case
P&W	Printing and Writing Paper
PASS	Planning Application Supporting Statement
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RCF	The Recycling and Composting Facility for which planning permission has been granted.
RSS	Regional Spatial Strategy
SoS	Secretary of State for Communities and Local Government
SOCG	Statement of Common Ground

SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SRF	Solid recovered fuel
SWFOE	Saffron Walden Friends of the Earth
TCPA	Town and Country Planning Act 1990
tpa	Tonnes per annum
WDA	Waste Disposal Authority
WFD	Waste Framework Directive
WID	Waste Incineration Directive
WLP	Essex & Southend-on-sea Waste Local Plan (2001)
WPA	Waste Planning Authority
WRAP	Waste and Resources Action Programme
WSE	Waste Strategy for England
WTS	Waste Transfer Station

**File Ref: APP/Z1585/V/09/2104804**  
**Rivenhall Airfield, Essex CO5 9DF.**

- The application was called in for decision by the Secretary of State for Communities and Local Government by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 May 2009.
- The application was made by Gent Fairhead & Co. Limited to Essex County Council.
- The application Ref: ESS/37/08/BTE is dated 26 August 2008.
- The development proposed is an Integrated Waste Management Facility comprising: Anaerobic digestion plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and pulping paper recycling facility to reclaim paper; Combined Heat and Power Plant utilising solid recovered fuel to produce electricity, heat and steam; Extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; Visitor / Education Centre; Extension to existing access road; Provision of offices and vehicle parking; and associated engineering works and storage tanks.
- The reason given for making the direction was that the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - (i) The extent to which the proposed development is in accordance with the development plan for the area, having particular regard to the policies of the Essex & Southend Waste Local Plan 2001, the Braintree District Local Plan Review 2005 and the East of England Plan 2008.
  - (ii) The extent to which the proposal would secure a high quality of design, and its effect on the character of the area, having regard to the advice in paragraphs 33 to 39 of Planning Policy Statement 1: Delivering Sustainable Development.
  - (iii) The extent to which the proposal is consistent with advice in Planning Policy Statement 7: Sustainable Development in Rural Areas which seeks to ensure that the quality and character of the countryside is protected and, where possible, enhanced and to ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is located in sustainable (accessible) locations.
  - (iv) The extent to which the proposal is consistent with advice in Planning Policy Statement 10: Waste, to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency.
  - (v) Whether any planning permission granted for the proposed development should be subject to any conditions and, if so, the form these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex;
  - (vi) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable;
  - (vii) Any other matters that the Inspector considers relevant.

**Summary of Recommendation: Planning permission should be granted subject to conditions.**

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## **SECTION 1 - INTRODUCTION AND PREAMBLE**

1.1 The application, supported by an Environmental Statement (ES) (Documents CD/2/4 to 2/8), was submitted to Essex County Council (ECC) on 26 August 2008.

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ECC confirms that the application was advertised and subject to consultation in accordance with statutory procedures and the Essex Statement of Community Involvement. In response to a request for further information made under regulation 19 of the Environmental Impact Assessment Regulations 1999, the applicants submitted additional information in December 2008 (Document CD/2/10). This information was also advertised and subject to consultation. The application was reported to ECC's Development and Regulation Committee on 24 April 2009, at which it was resolved to grant planning permission, subject to conditions and a legal agreement, and subject to the Secretary of State (SoS) not calling in the application for her own determination. The committee report and subsequent minutes can be found at Documents CD 2/12a, 2/12B and 2/13.

1.2 The application was subsequently called in for determination by the SoS in a letter dated 12 May 2009. The reason given for the direction is that the application may conflict with national policies on important matters.

1.3 No pre-inquiry meeting was held. However, on 19 August 2009, my colleague Andrew Freeman issued a pre-inquiry note to provide guidance on the procedures to be adopted in relation to the inquiry.

1.4 In September 2009 the applicants submitted an Addendum Environmental Statement (Addendum ES) which was intended to provide additional information at the inquiry. The Addendum ES (Document GF/12) provides additional information and amendments on air quality, human health risk assessment, carbon balance and ecology. It includes an air quality impact assessment based on a redesign of the scheme whereby the proposed gas engine stack would be deleted and all emissions re-routed through the CHP stack. The Addendum ES is accompanied by a Revised Non Technical Summary (Document GF/11). These documents were also advertised and subject to consultation, with a requirement that responses be submitted by 14 October 2009.

1.5 At the inquiry, the applicants confirmed that they wished the proposal to be considered on the revised design whereby all emissions would be routed through a single combined heat and power facility (CHP) stack. The revised scheme is set out in the revised set of application drawings at Document GF/13-R1. Bearing in mind the publicity given to this amendment and the opportunity for all parties and individuals to take part in the inquiry, I was satisfied that no-one would be unreasonably disadvantaged or prevented from presenting their views to the inquiry. I therefore accepted that it would be reasonable to consider the proposal on the basis of the revised design, namely with a single chimney stack.

1.6 The applicants submit that the Environmental Information for the proposal comprises the ES dated August 2008, the subsequent Regulation 19 submissions, the Addendum ES and the revised Non Technical Summary dated September 2009. These have been produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. I have taken account of the documents comprising the Environmental Information, together with the consultation responses and representations duly made within the advertised timescales in arriving at my recommendation. All other environmental information submitted in connection with the application, including that arising from questioning at the inquiry has also been taken into account.

1.7 The inquiry sat for 10 days between 29 September 2009 and 14 October 2009. I undertook accompanied visits to the appeal site and its surroundings, to local

villages and the local road network on 29 September and 15 October 2009. A number of unaccompanied visits to the area, including the walking of footpaths and inspections of the local road network were made before, during and after the inquiry. On 16 October 2009, I made an accompanied visit to the Frog Island Waste Management Facility operated by Shanks at Rainham in Essex. This facility includes a materials recovery facility (MRF) and a three line mechanical biological treatment (MBT) plant dealing with approximately 200,000 tonnes of waste annually. In order to minimise the impact of odour, the MBT operates under a negative air pressure and utilises bio-filters sited on its roof. The visit was arranged primarily to inspect the operation of the air treatment arrangements. A note on the facility is included at Appendix A of this report.

1.8 A Statement of Common Ground (SOCG) has been prepared between the applicants and ECC. The final version of this SOCG can be found at Document CD/13/4. The document includes draft comments from the Local Councils Group (LCG).

1.9 At the opening of the inquiry, the applicants were advised that any planning obligations under S106 of the Town and Country Planning Act 1990 should be submitted in their final form before the inquiry closed. An unsigned copy of an agreement between the applicants and ECC was submitted in its final form on 14 October 2009. The applicants indicated that a signed executed copy of the agreement would be submitted before the end of October 2009. This was received by the Planning Inspectorate within the timescale and conformed and certified copies of the completed S106 agreement can be found at Document CD/14/5.

1.10 On the final day of the inquiry proceedings (14 October 2009), a submission was received from the Environment Agency (EA) in response to the consultation exercise on the Addendum ES. The main parties and the Rule 6 parties asked for time to consider the contents of this document. Moreover, as the final date for responses to the Addendum ES was 14 October, there was a possibility that further representations could be received later that day. It was therefore agreed that any comments on the EA response and on any other representations on the Addendum ES received by 14 October, should be submitted to the Planning Inspectorate by 1600 hours on 22 October 2009. These responses can be found at Document CD/16. Moreover, any response to such comments was to be submitted within a further 7 days, namely by 1600 hours on 29 October 2009. Those responses can be found at Document CD/17. I indicated that no other representations outside these limits would be considered in my report and that the inquiry would be formally closed in writing on the first working day in November. A letter closing the inquiry was sent to the parties on 2 November 2009.

1.11 In addition to the matters on which the SoS particularly wished to be informed (set out in the summary box above), I indicated at the opening of the inquiry that I considered that the following issues should also be addressed:

- i. the need for a facility of the proposed size;
- ii. the viability of the proposed scheme including the de-inking and paper pulping facility;
- iii. the weight to be given to the fall back position of the Recycling and Composting Facility (RCF) for which planning permission was granted in 2007;

- iv. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings; changes in the way waste is dealt with; and changes that may occur in the pulp paper industry. If so, whether the scheme takes account of such need;
- v. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, and light pollution;
- vi. the extent of any risk to human health;
- vii. the effect on highway safety and the free flow of traffic on the highway network;
- viii. the impact on the local right of way network;
- ix. the impact on ground and surface waters;
- x. the implications of the associated loss of Grade 3a agricultural land;
- xi. the effect of the proposal on habitats, wildlife and protected species;
- xii. the impact on the setting and features of special architectural or historic interest of listed buildings in the locality; and,
- xiii. the effect on the historic value of the airfield.

1.12 This report includes a brief description of the appeal site and its surroundings and contains the gist of the representations made at the inquiry, my conclusions and recommendation. Lists of appearances and documents are attached.

1.13 A number of terms have been used to describe the development. Throughout the report, I shall refer to the overall development proposal as the evolution of the recycling and composting facility (eRCF), and the proposed buildings, structures and equipment forming the facility as the proposed integrated waste management facility (IWMF)

## **SECTION 2 - DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The appeal site and its surroundings are described in various documents, including the statement of common ground (SOCG)(Doc. CD/13/4), the ECC Committee Report (Doc. CD/2/12A), and the proofs of evidence of various witnesses. The site is situated in an area of primarily open and generally flat countryside. Beyond the area surrounding the site the landscape is gently undulating countryside and is characterised by large open fields, small blocks of woodland and discrete, attractive villages.

2.2 The site is 25.3 hectares in area and at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road. This narrow strip would accommodate the proposed access route to the IWMF. The route would utilise the existing junction off the A120 and the majority of the length of private road which currently provides access to the existing quarry workings on land to the north of the intended site of the IWMF. The private access road leads down from the A120 into the attractive wooded valley of the River Blackwater. This part of the application site lies within the Upper Blackwater Special Landscape Area (SLA), as defined in the Braintree District Local Plan Review (LP). The access road then climbs gently before reaching its junction with Church Road, a lightly trafficked rural road linking the settlement of Bradwell with various farms and dwellings to the east. Church Road provides a link to Cuthedge Lane which leads to Coggeshall Hamlet. The existing length of access road between the A120 and the Church Road is two lane, although it narrows to a single lane at the junction.



2.3 After crossing Church Lane, the access road continues southward, through agricultural land, as a single lane route with passing bays until it reaches Ash Lane. Ash Lane is a quiet rural lane edged with trees in the vicinity of the junction. At both the Church Road and Ash Lane crossing points, the access road is single lane with signs indicating that vehicles using the access road must stop at the junction before crossing onto the next section of access road. Steel bollards are sited at the corners of the Ash Lane and Church Road junctions in order to discourage vehicles from attempting to turn onto the public highway from the access road.

2.4 The access road continues southward into sand and gravel workings known as Bradwell Quarry. The proposed access to the IWMF would continue in cutting alongside a length of restored sand and gravel workings to the west of the existing quarry. To the south of the quarry, the application site widens into an irregular shaped plot of land.

2.5 This part of the application site, would accommodate the IWMF. It is situated at the southern end of the former Rivenhall Airfield. At present, it accommodates a former aircraft hanger (known as hangar No 2), and includes concrete hardstandings and runway, agricultural land and semi-mature woodland containing 6 groups of trees and 11 individually preserved trees which are the subject of Tree Preservation Orders (TPOs). Hangar No 2 is presently used for the storage of grain.

2.6 The northwestern corner of this irregular shaped plot accommodates the Grade II listed Woodhouse Farm buildings. This group of buildings are in a run-down and semi derelict condition. The farmhouse has been unoccupied for many years. The tiled roof has deteriorated to such an extent that it has had to be covered in metal cladding for protection, and several of the windows are broken and open to the elements. A structure, made of steel scaffolding, has been erected around the adjacent bakehouse in an attempt to preserve that building. However, it appears that the roof and top portions of the walls of the bakehouse have collapsed. The site is heavily overgrown and vegetation prevents ready access to this structure and an adjacent water pump, which is also listed. The former garden of Woodhouse Farm is overgrown and unkempt. Detailed descriptions of the listed buildings in this group can be found in Appendix 3 of the SOCG (Document CD/13/4).

2.7 To the east of the application site there are agricultural fields identified as being within the control of the applicants. Approximately 400m to the east of the application site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshot's Farm. However, views of this group of buildings from the west are dominated by the presence of a scrap vehicle business which operates near Allshot's Farm. Vehicles are piled on top of one another and screen views of Allshot's Farm from the vicinity of Woodhouse Farm.

2.8 Approximately 500m to the south east of the application site, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which access is gained via a public highway leading from Parkgate Road. Parkgate Road runs in an easterly direction from its junction with Western Road. It is about 1km from the application site and is separated from the site by a number of large open fields and two blocks of woodland, one being an area of mature woodland known as Storey's Wood.

2.9 To the south west of the application site, just over 1 km away, lies the village of Silver End. The village has a substantial Conservation Area and contains a large number of listed buildings, primarily related to the garden village developed in association with the Crittall company. One of the listed buildings is Wolverton which lies at the northeastern edge of the village and overlooks the open fields separating the village from the application site.

2.10 Sheepcotes Lane runs from the northeastern corner of Silver End in a northerly direction. At a bend in the lane, approximately 500m from the settlement, lies Sheepcotes Farm, another Grade II listed building. This farmhouse lies on the eastern side of Sheepcotes Lane and is about 500m west of the application site and 600m from the proposed IWMF. However, the farmhouse lies adjacent to a cluster of structures. On the eastern side of this cluster lies another large hangar associated with the former airfield, known as Hangar No 1. Although apparently not in use at present, this hangar has been used in the past for industrial/commercial purposes. There is also a tall tower of lattice construction, previously associated with the airfield but now used for telecommunications purposes.

2.11 Further along Sheepcotes Lane to the northwest of the main element of the application site lies a group of dwellings which includes a listed building known as Goslings's Farm. This dwelling is about 1km from the site of the proposed IWMF. The group of dwellings is separated from the application site by an area of land which has been previously worked for the extraction of minerals. Much of the land has been restored to agricultural use and includes a bund which is to be landscaped and planted.

2.12 To the north of the application site lies the listed building of Bradwell Hall. This building is sited only about 200 metres from the eastern edge of the existing haul road. However, it is some 1.5 km from the main element of the application site and is well screened from the site by the topography of the ground and existing trees and vegetation.

2.13 Nearer the main element of the application site there are a number of dwellings served by Cuthedge Lane, which runs in an east-west direction approximately 700 metres from the site. Herons Farm and Deeks Cottage lie to the south of Cuthedge Lane and are separated from the application site by open fields and land which is being worked for mineral extraction. At present a bund forming a noise barrier for the mineral workings helps to screen the application site from these dwellings. However, the bund is a temporary structure. Further to the east, on the northern side of Cuthedge Lane lies a farmhouse known as Haywards. This dwelling is about 700 metres from the edge of the application site and has views of the site across the flat open fields and site of the former airfield.

2.14 Long distance views of the application site can be gained from a few locations on high ground to the north of the A120. The existing telecommunications tower near Sheepcotes Farm can be seen from some viewpoints on the A120; from viewpoints on high ground to the north of the A120; from a few locations on the B1024 road linking Coggeshall and Kelvedon which is about 3km to the east of the site; and in views about 1km to the south from Parkgate Road/Western Road, as it leads towards Silver End.

2.15 A number of footpaths cross the site. Three footpaths (Nos FP19, FP57 and FP58), including the Essex Way, are crossed by the existing quarry access road. The proposed extended access road would cross FP35. In addition, FP8 which runs approximately north/south in the vicinity of the site passes alongside the complex of buildings at Woodhouse Farm. Hangar No 2 on the application site is visible from various locations along these footpaths.

### **SECTION 3 - PLANNING POLICY**

3.1 Relevant planning policy is set out in the SOCG.

#### *The Statutory Development Plan*

3.2 The statutory development plan comprises the following documents:

- East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008) (EEP - Document CD/5/1);
- 'Saved' policies from the Adopted Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (2001) (ESRSP - Document CD/5/3);
- 'Saved' policies from the Essex and Southend Waste Local Plan (Adopted September 2001) (WLP - Document CD/5/4);
- 'Saved' policies from the Braintree District Local Plan Review (Adopted July 2005) (BDLPR - Document CD/5/5); and
- 'Saved' policies from the Essex Minerals Local Plan First Review 1996 (MLP - Document CD/5/6).

3.3 EEP Policy MW1 indicates that waste management policies should seek to ensure timely and adequate provision of facilities required for the recovery and disposal of the region's waste, whilst amongst other things, minimising the environmental impact of waste management. Policy WM2 sets targets for the recovery of municipal and C&I waste and Policy WM3 indicates that the East of England should plan for a progressive reduction in imported waste, indicating that allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit.

3.4 The application site includes a 6 ha area of land identified as a "preferred location for waste management" (WM1) in Schedule 1 of the WLP. Policy W8A indicates that waste management facilities will be permitted at the locations shown in Schedule 1, subject to various criteria including requirements that there is a need for the facility and it represents the Best Practical Environmental Option (BPEO). The policy indicates that integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained. Policy W3C indicates that, in the case of facilities with an annual capacity over 50,000 tonnes, measures will be taken to restrict the source of waste to that arising in the plan area, except where it can be shown, amongst other things, that the proposal would achieve benefits that outweigh any harm caused.

3.5 Policy RLP27 of the BDLPR indicates that development for employment uses will be concentrated in towns and villages. RLP78 indicates that the countryside will be protected for its own sake by, amongst other things, restricting new uses to those appropriate to a rural area and the strict control of new building outside existing settlements.

3.6 With the exception of the access road, part of which lies within the designated Upper Blackwater Special Landscape Area, the application site is not the subject of any allocations in the BDLPR. Furthermore, it is not referred to in Braintree District Council Draft Local Development Framework Core Strategy (2008).

3.7 I note that on 20 May 2009, the High Court upheld in part a challenge to the East of England Plan and that Policies H1, LA1, LA2, LA3 and SS7 were remitted to the SoS to the extent identified in the Schedule to the Court Order and directed that those parts of the RSS so remitted be treated as not having been approved or adopted.

### National Planning Policy

3.8 The following national planning policy documents are relevant:

- The Planning System: General Principles (Document CD/6/15);
- Planning Policy Statement (PPS) 1 – Delivering Sustainable Development (Document CD/6/1);
- Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement (PPS) 1 (Document CD/6/2);
- Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas (Document CD/6/4);
- Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation (Document CD/6/5);
- Planning Policy Statement (PPS) 10 – Planning for Sustainable Waste Management (Document CD/6/6);
- Planning Policy Guidance (PPG) 13 – Transport (Document CD/6/7);
- Planning Policy Guidance (PPG) 15 – Planning and the Historic Environment (Document CD/6/8);
- Planning Policy Guidance (PPG) 16 – Archaeology and Planning (Document CD/6/9);
- Planning Policy Statement (PPS) 22 – Renewable Energy (Document CD/6/10);
- Planning Policy Statement (PPS) 23 – Planning and Pollution Control (Document CD/6/11);
- Planning Policy Guidance (PPG) 24 – Planning and Noise (Document CD/6/12);
- Planning Policy Statement (PPS) 25 – Development and Flood Risk (Document CD/6/13);
- Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (Document CD/6/14); and
- Consultation on the new Planning Policy Statement (PPS) 15 – Planning for the Historic Environment (Document CD/6/17).

### Other Relevant Law and Policy

3.9 The SOCG identifies the following law and policy:

- Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended) (Document CD/4/1);
- New EC Framework Directive on Waste 2008/98/EC (Document CD/4/2);
- EC Waste Incineration Directive 2000/76/EC (Document CD/4/3);
- Waste Strategy for England 2007 (May 2007) (Document CD/8/1); and
- Joint Municipal Waste Management Strategy (JMWMS) for Essex (2007 to 2032) (Document CD/8/2).

## **SECTION 4 - PLANNING HISTORY**

4.1 The planning history of the application site and the adjacent Bradwell Quarry site is set out in the Final SOCG between the applicants and ECC (Document 13/4).

4.2 Planning permission for a recycling and composting waste management facility on the site was granted in February 2009 (Ref. ESS/38/06/BTE). That scheme is known as the RCF, although the permission has not yet been implemented. The consent relates to the development of a facility for the recovery of recyclable materials such as paper, card, plastic, metals, and fine sand and gravels from residual municipal waste. It includes a waste treatment centre utilising Anaerobic Digestion (AD) technology and Enclosed Composting for the treatment of residual municipal waste. It is intended to have an approximate eventual input of up to 510,000 tonnes per annum (tpa).

4.3 The consent includes for the redevelopment of Woodhouse Farm, which would be used as an Education Centre with associated car and coach parking for the public. It also includes the prior removal of overburden and other material at the site to lower the plant at least 11 m below existing ground level. This is intended to provide maximum visual impact mitigation and to safeguard the protection of national mineral reserves. The planning application and associated documents can be found at Documents CD/3/1 to CD/3/9

4.4 Planning permission reference ESS/07/08/BTE was granted for the extraction of sand and gravel at Bradwell Quarry, together with processing plant, and access via an improved existing junction on the A120. The permission has been implemented with a completion date of 2021. Application reference ESS/15/08/BTE is for a variation of ESS/07/98/BTE to allow amended restoration levels and the 'New Field Lagoon'. The Council has resolved to grant permission subject to completion of a legal agreement which has not yet been signed. In addition, there are a number of other planning permissions with respect to the processing plant at Bradwell Quarry.

## **SECTION 5 - THE PROPOSED DEVELOPMENT**

5.1 The application site is identical to that of the permitted 510,000 tpa RCF. The latest proposals have evolved from the RCF and are therefore known as the evolution of the Recycling and Compost Facility (eRCF). The site is owned by the applicants.

5.2 The site area of 25.3 ha would be utilised as follows:

- 6 ha (approximately) for the proposed integrated waste management facility (IWMF) including buildings and structures;
- 2.6 ha for the redevelopment of Woodhouse Farm;
- 10.6 ha including the fresh water lagoon and proposed areas of landscaping;
- 5.1 ha for the construction of the extended haul road; and
- 1 ha which is the existing haul road to the quarry to be utilised by the proposals.

5.3 The eRCF would provide an integrated recycling, recovery and waste treatment facility. The proposals include:

1. an AD plant treating Mixed Organic Waste (MOW), which would produce biogas that would be converted to electricity by biogas engine generators;
2. a Materials Recovery Facility (MRF) for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals;
3. a Mechanical Biological Treatment facility (MBT) for the treatment of residual Municipal Solid Wastes (MSW) and/or Commercial and Industrial (C&I) waste to produce a Solid Recovered Fuel (SRF);
4. a De-inking and pulping paper recycling facility to reclaim paper pulp (this is described as Market de-inked paper pulp (MDIP));
5. a Combined Heat and Power (CHP) plant utilising SRF to produce electricity, heat and steam;
6. the extraction of minerals to enable the proposed buildings to be partially sunken below ground level within the resulting void;
7. a Visitor/Education Centre;
8. an extension to the existing access road serving Bradwell Quarry;
9. the provision of offices and vehicle parking;
10. associated engineering works and storage tanks; and
11. landscaping.

5.4 The proposed IWMF would provide treatment for 522,500 tpa of waste of a similar composition to that which would be treated by the RCF. It is intended to treat 250,000 tpa of MSW and/or C&I waste; 100,000 tpa of mixed dry recyclables (MDR) or similar C&I waste; 85,000 tpa of mixed organic waste (MOW) or similar C&I waste; and 87,500 tpa of SRF. In addition it would provide a facility for the recovery and recycling of 331,000 tpa of imported waste paper. The IWMF has therefore been designed to import and recycle or dispose of a total of up to 853,500 tonnes of waste annually.

5.5 A comparison of the permitted RCF scheme and the eRCF application is presented on Table 1 and Figures PI-1 and PI-2 of the SOCG. These tables correct a number of typographical errors that were made in the original ES dated August 2008. The SOCG also provides a description of the various elements of the eRCF scheme.

5.6 The AD plant would treat MOW from kerbside collected kitchen and green waste or similar C&I waste. It would have a treatment capacity of 85,000 tpa. As indicated above the AD process would produce biogas which would be converted to electricity. The residues from the AD process would be a compost-like output. Dependant on the quality of the waste feedstock, the resultant compost could be suitable for agricultural or horticultural uses.

5.7 The MRF would process up to 100,000 tpa of imported MDR and recover paper and residues from the MBT and AD processes. Materials recovered by the MRF would be baled and bulked up for export from the site and further reprocessing or recycling. The MRF would have a total integrated throughput of 287,500 tpa linked to other eRCF processes.

5.8 The MBT facility would treat 250,000 tpa of MSW and/or C&I waste. It would comprise five 'biodrying Halls', each with a capacity of 50,000 tpa. Before entering the MBT, the waste would be shredded to produce a consistent feedstock for the 'biodrying' process. At the end of this aerobic drying process, the weight of the waste in the MBT would be reduced by 25%. The resulting material, known as SRF, would be stabilised, sanitised and would be without noticeable odour. During the biodrying process, air would be extracted from the MBT and routed through the buildings to the CHP unit where it would provide combustion air that would be scrubbed and cleaned before discharge to the atmosphere via the CHP stack.

5.9 The Pulp Paper Facility would be used to treat up to 360,000 tpa of selected waste paper and card. This would comprise 331,000 tpa of imported materials, as well as 29,000 tpa of recovered paper and card from the MRF and MBT. The facility would produce up to 199,500 tpa of recycled pulp which would be transported off-site and used to manufacture materials such as graphics, photocopier or writing paper.

5.10 The CHP plant would treat up to 360,000 tpa of material. Its feedstock would comprise up to: 109,500 tpa of SRF produced by the MBT; 10,000 tpa of residues from the MRF; up to 165,000 tpa of process sludge from the Paper Pulping Facility; and 87,500 tpa of SRF manufactured and imported from elsewhere. The energy produced by the CHP would be converted into electricity, heat and steam. Part of the electricity would be exported from site to the National Grid, whilst the remainder would be used as a source of power for the eRCF processes. The extracted air from all the processes on-site would be used as combustion air for the CHP, so that the CHP stack would be the only stack.

5.11 The eRCF would produce between 36 MW and 43 MW per annum of electricity. This would be generated on the site from the AD process (3 MW per annum) and between 33 MW to 40 MW per annum from the CHP plant. Approximately half the energy would be utilised on the site, enabling approximately 18 MW per annum (14.73 MW from the CHP and 3 MW from the AD) to be exported to the National Grid.

5.12 In order to enable the IWMF's buildings to be partially sunk below ground level, 760,000 m<sup>3</sup> of boulder clay, 415,000 m<sup>3</sup> of sand and gravel and 314,000 m<sup>3</sup> of London clay would be excavated prior to its construction. Where possible, the excavated materials would be utilised in the construction of the IWMF, otherwise it would be exported from the site. Sand and gravel could be processed at the adjacent Bradwell Quarry, subject to a further planning permission related to that site.

5.13 Listed building consent would be applied for to enable the Grade II Listed Woodhouse Farm house and associated buildings to be redeveloped and refurbished for use as a Visitor and Education Centre. This would provide an education facility connected to the operation of the IWMF. It would also provide an area for a local heritage and airfield history displays.

5.14 The existing access road to Bradwell Quarry would be extended approximately 1 km south through the quarry workings to the IWMF. All traffic entering or leaving the IWMF would use the A120 and the existing junction which presently serves Bradwell Quarry. The extension to the existing access road through Bradwell Quarry would be an 8 m wide metalled road located in an existing and extended cutting. The existing crossing points with Church Road and Ash Lane would be improved with additional speed ramps, signalling and signage, but would remain single lane.

5.15 Offices would be provided within the IWMF. A staff and visitors car park would be developed west of Woodhouse Farm. The staff and visitor car park would not be used by HGV traffic.

5.16 The IWMF would comprise 63,583 m<sup>2</sup> of partially sunken buildings and treatment plant. The MRF, MBT and Paper Pulping Facility would be housed in two arch-roofed buildings adjacent to each other, each measuring 109 m wide x 254 m long and 20.75 m in height to their ridges. Both buildings would have "green" roof coverings capable of sustaining vegetation growth, reducing their visual impact and providing a new area of habitat to enhance bio-diversity. To the south of the main buildings there would be a water treatment building and a CHP Plant with a chimney stack 7 m in diameter extending 35 m above the site's existing ground level. In addition there would be a turbine hall; an electrical distribution hall; a Flue Gas and Exhaust Air Clean Up Complex; three AD tanks and an AD gasometer.

5.17 The IWMF would be sited below natural ground level. In order to maximise the void space, the sides of the void would be constructed with a retaining wall. The base of the void would be approximately 11 m below ground level, such that the ridge of the arched buildings would be approximately 11 m above natural ground levels, and the tops of the AD and gasometer tanks about 12 m above ground level. Cladding materials to the buildings would be dark in colour. Where the CHP stack extended above the surrounding woodland, (about 20 m above the existing woodland) it would be clad in stainless steel or a similar reflective material. This would help to minimise its visual impact by reflecting and mirroring the surrounding environment.

5.18 The main structures of the IWMF, except the CHP stack, would be no higher above the surrounding ground level than the existing hangar currently on the Site, which is about 12.5 m maximum height. The approximate footprint of the IWMF's buildings and structures is 6 ha and thereby substantially larger than the existing hangar which is only about 0.3 ha. The IWMF would project north of the existing woodland towards the adjacent quarry.

5.19 Approximately 1.7 ha of woodland would be removed, together with two Native English Oak trees and two smaller groups of trees. All these trees are covered by Tree Preservation Orders. A strip of woodland, about 20m to 25m in depth, would remain adjacent to the void created by the extraction of the minerals and overburden. The remaining woodland around the IWMF would be managed to improve both its ability to screen the development and enhance biodiversity. In addition, 19.1 ha of open habitats would be lost, including areas of grassland, arable land and bare ground.



5.20 Mitigation proposals include the planting of approximately 1.2 ha of new species rich grassland. A further 1 ha of managed species rich grassland would also be provided to the east of Woodhouse Farm outside the Planning Application area. In addition, a further 0.6 ha of new species rich grassland would be provided next to Woodhouse Farm. The green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat.

5.21 Planting would be undertaken on shallow mounds which are proposed on the southwest side of the building. The mounds would have a maximum height of 4m and a width of 20 to 25m. A total of about 2km of new hedgerow planting would be established on the northern site boundary and to either side of the extended haul road. Enhanced planting is proposed between the car park and Woodhouse Farm buildings, and a block of woodland planting would be sited on a triangular plot at the northeast side of the site. These areas of new planting (totalling about 2.2 ha), together with management of existing woodland, would enhance screening of the site and its ecological value. In addition to this planting, a 45 m wide belt of trees (approximately 1.2 ha in area) would be established outside the application area.

5.22 External lighting levels would have an average luminance of 5 lux. No external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes, would operate during the night.

5.23 The IWMF would generate up to 404 daily Heavy Goods Vehicle (HGV) movements comprising 202 into and 202 out of the site a day. There may also be approximately 90 Light Goods Vehicle or car movements associated with staff, deliveries and visitors. During the construction phase, the IWMF would generate about 195 HGV movements in and 195 HGV movements out.

5.24 Waste would be delivered in enclosed vehicles or containers. All waste treatment and recycling operations would take place indoors under negative air pressure and within controlled air movement regimes, minimising the potential for nuisance such as odour, dust and litter which could otherwise attract insects, vermin and birds. Regular monitoring for emissions, dust, vermin, litter or other nuisances would be carried out by the operator to meet the requirements of the Environmental Permit that would need to be issued by the Environment Agency (EA) for operation of the IWMF.

5.25 The proposed hours of operation for the receipt of incoming waste and departure of outgoing recycled, composted materials and treated waste would be 07:00 to 18:30 Monday to Friday and 07:00 to 13:00 on Saturday with no normal deliveries on Sundays, Bank and Public Holidays. The only exception would be, if required by any contract with the Waste Disposal Authority, that the Site accept and receive clearances from local Household Waste Recycling Centres on Sundays, Bank and Public Holidays. Due to the continuous operational nature of the waste treatment processes, the IWMF would operate on a 24 hour basis but would not involve significant external activity outside the normal operating hours for the receipt of waste.

5.26 During construction of the IWMF, a period of 18 to 24 months, it is proposed that the working hours would be 07:00 to 19:00 seven days a week.

5.27 The IWMF includes a Waste Water Treatment facility. All surface water outside the buildings would be kept separate from drainage systems within the buildings. External surface water from roofs and hardstandings, and groundwater pumped during construction, would be collected and stored within the Upper Lagoon proposed to the north of the buildings, which would be below natural ground levels. All drainage and water collected within the buildings and used in the Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced either from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, licensed abstraction points, or obtained from the utility mains.

5.28 The internal waste reception bunkers would provide buffer storage for about 2 days of imported waste to the MBT and approximately 5 days for the AD, Pulp Facility and CHP, to ensure that waste processing and treatment operations could run continuously and that there would be spare capacity in the event of any planned or unforeseen temporary shutdown of the IWMF.

5.29 The IWMF would provide employment for about 50 people.

## **SECTION 6 - THE CASE FOR THE APPLICANTS**

### *The Environmental Statement and its review by ERM*

6.1 The audit of the ES by Environmental Resources Management (ERM) for Braintree DC (Document CD/2/11) found that the ES was generally of good quality with very few omissions or points of clarification required. Moreover, it indicated that there was good provision of information with only minor weaknesses which were not critical to the making of any decision. The ES audit did not simply focus on process and structure. ERM indicated that it had applied its technical expertise to make informed judgements on the robustness of the submitted assessments. Although ERM considered there was an overestimation of the likely 'demand', it indicated that as a technical assessment of particular topics based on the stated application, the Environmental Impact Assessment (EIA) was generally competent and could be considered to comply with the EIA Regulations.

6.2 Braintree DC was advised by ERM that on the majority of the issues (generally other than need and highways) the ES was a competent technical assessment and supported the assessment of the effects as being "not significant". The audit supports the assessment of the great majority of the likely impacts of the proposals. Moreover, since that audit was undertaken further work has been done in producing the Regulation 19 information and the Addendum to the ES.

6.3 The EIA procedures have been complied with. As regards any concern that the Addendum or other additional information has not been properly made available for public consultation and comment, it is noteworthy that the time allowed for comments on the Addendum was the same as for the main ES, which was itself in accordance with the period set out in the Regulations for the ES. Moreover, it is lawful for additional material to be taken into account at the inquiry, since Regulation 19 (2) of the EIA Regulations 1999 allows such material to be consulted upon at

inquiry. (See Sullivan J. in *R. (on the application of Davies) v. Secretary of State* [2008] EWCA 2223 (Admin) at paragraphs. 41-47).

Common ground

6.4 The following matters can be regarded as common ground:

- (i) The matters set out in the SOCG at least as between ECC and the Applicant.
- (ii) The proposals would generate benefits in that they would allow for sustainable waste management and permit a move further up the waste hierarchy. This appears to be accepted whether or not the paper recovery process is termed "industrial".
- (iii) It is now agreed with the Local Councils Group (LCG) that there is an undisputed need for the MBT facility in terms of MSW and C&I and that the capacity gap is at least 326,800 tpa (set against a capacity of the MBT of 250,000 tpa). The capacity gap for C&I facilities therefore well exceeds the capacity of the plant proposed on the Site.
- (iv) The grant of permission for the RCF is a material consideration.
- (v) Documents GF/17 and GF/27 represent agreement between the applicants and LCG regarding the considerable carbon savings which the eRCF represents, both in comparison with the RCF and the base case in Essex without either the eRCF or RCF, but assuming current trends in recycling etc. Such savings take into account an average distance travelled per kg of waste of 100 km. The submission by Saffron Walden Friends of the Earth (SWFOE) that biogenic CO<sub>2</sub> has not been taken into account is correct to a limited extent, but only because IPPC guidance does not require biogenic CO<sub>2</sub> to be included. The SWFOE argument is with current guidance.
- (vi) When considering the implications of the proposals for what might be termed, generically, "countryside issues" under the Development Plan and PPS7, it is appropriate to take into account the following factors -
  - (a) The remaining infrastructure of the former airfield;
  - (b) The sand and gravel workings and its associated infrastructure;
  - (c) The former radar mast now used for telecommunications;
  - (d) The extent to which the proposals may strengthen or enhance tree cover, ecological interest and/or biodiversity; and
  - (e) The extant RCF permission and fallback position.
- (vii) It also now appears to be accepted that there will not be a plume from the stack and it does not appear to be disputed that the modelled emissions show that there should not be material concerns regarding the proposals in air quality and health terms.
- (viii) The appropriateness and acceptability of the ES given the ERM audit (Document CD/2/11).
- (ix) The professional planning witness for the LCG did not consider the proposals objectionable because of the inclusion of incineration of waste through the CHP plant with recovery of energy, and did not consider that

there was any issue arising with regard to compliance with WLP Policy W7G. Nevertheless, this policy is out of date and out of step with modern waste policy given its heavy reliance on BPEO, which is no longer national policy as set out in PPS10. SWFOE acknowledged the error in their initial evidence regarding the strict application of R1 and, as the note on R1<sup>1</sup> (Document GF37) makes clear, if the Waste Directive 2008 applies to the eRCF, the use of the CHP would be regarded as recovery not disposal. Regardless of the strict characterisation of the CHP plant, the fact that it would meet the thermal efficiency requirements of the new Directive demonstrates that it is nonetheless a sustainable proposal.

6.5 SWFOE characterise the CHP as disposal rather than recovery of waste as a matter of EU law, reference being made to paragraphs 2.153-2.158 of the Defra Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009). The relevant extract is attached to Document OP/2. The point, if it is a good one, applies to all if not most CHP plant as the Defra Consultation points out. This does not alter the following important points:

- (i) CHP is currently supported by WSE 2007 and other national/regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms; and
- (ii) The Waste Directive 2008 seeks to address the categorisation issue as the Defra Consultation explains at paragraphs 2.159-2.181. It is to be noted that Defra's view is that the burning of non-MSW waste streams in a plant designed to burn MSW (as here) would also be recovery under the new provisions (See paragraphs 2.176, 2.177 of the Defra Consultation).

#### Comparison between the eRCF and the RCF and the fallback position

6.6 The RCF should figure prominently in the determination of the eRCF application for two reasons:

- (i) the grant of planning permission for the RCF (on 26 February 2009) establishes the principle of development of a major waste management facility on the site against the background of current policies. SOCG Table 1 & Figs P1-1 & P1-2 set out a detailed explanation of the revisions and additions to the RCF's waste treatment capacity that have resulted in the eRCF and a detailed comparison of the developments. The waste management capacities of imported waste of similar composition (510,000 tpa & 522,500 tpa) are similar, and therefore the 'need' for this treatment capacity has already been established. The design, layout, scale, dimensions and external finishes of the eRCF, on the same site, are similar to the RCF. The main differences are the addition of the Pulp Facility and CHP plant and stack.
- (ii) The RCF provides a fallback position for the decision on the eRCF because

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<sup>1</sup> See the Waste Directive 2008 Annex II "Recovery Operations" which includes as recovery (rather than disposal) "*RI use principally as a fuel or other means to generate energy*". Although the formula has been applied, in fact it applies to facilities dedicated to MSW only not to C&I or mixed facilities as the footnote reference in Annex II makes clear. However, compliance with the formula makes it clear that to the extent that the CHP were considered to be "*dedicated to the processing of municipal solid waste only*" it would comply.

the applicants will implement the planning permission for the RCF (Document CD3/1) if planning permission is not granted for the eRCF. The RCF would have impacts which would occur in any event should permission for the eRCF be refused. Since the site benefits from the RCF permission, it is appropriate to consider the proposals for the eRCF not only on their own merits but against that extant permission. As a permission for which there is at least a reasonable prospect of implementation should permission for the eRCF be refused, it is a material consideration and provides a baseline against which the eRCF should be considered. It is therefore unnecessary to re-consider those matters in respect of which no significant change arises.

6.7 The reason for the delay in the issue of the RCF permission was the lengthy delay in the production of the draft S106 and since it was only issued in Feb 2009, it is not surprising given the call-in that it has not been implemented. The suggestion by the LCG that the RCF scheme was indicative and a stalking horse for something else is refuted. Discussions have taken place over several years between the applicants and ECC since the allocation of the site in the WLP. During that process, indicative ideas were put forward.

6.8 The RCF represents appropriate technology as confirmed by ECC and as set out in the JMWMS. The LCG confuses the provision of appropriate technology with the development of different and even better facilities which are represented by the eRCF.

6.9 The RCF permission would not need to be amended before implementation. In contrast, the Basildon permission would have to be amended to meet the requirements of the OBC2009. The applicants have unashamedly been waiting for the ECC contract. In due course they would enter a joint venture with a major waste company. However, it would not be in the commercial interests of the applicants for details of current negotiations to be made available. In addition there are large quantities of C&I waste to be treated and every prospect of implementation of the scheme for C&I waste only.

The eRCF represents a highly sustainable evolution from the RCF, allowing for the disposal of residual waste to move higher up the waste hierarchy and the efficient use of CHP together with the MDIP. This is an important factor supporting the grant of planning permission for the current application. The consultation response from the Commission on Architecture and the Built Environment (CABE) to the RCF application on 25.10.06 (Document GF/2/B/Appx 1) anticipated the evolution of the proposals now found in the eRCF. The CABE response stated "We would encourage the applicant and the local waste authority to bear in mind the likelihood of changing techniques and requirement for dealing with waste in the years ahead, and to envisage how the facility might need to be adapted and/or extended to meet future needs." By integrating the various recovery, recycling and treatment processes, it would be possible to re-use outputs from individual waste treatment processes that would otherwise be wasted and/or require transportation off site. It is consistent with the hierarchical requirements of waste management. The proposal would be environmentally and financially sustainable.

6.10 The additional benefits of the eRCF are considerable:

- (i) The eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. It

would produce its own SRF from C&I waste and its own MBT, if it did not obtain the ECC contract. A CHP facility capable of utilising the SRF produced from the county's MSW is excluded from the reference project and proposed procurement for the competition reasons set out in OBC 2009 paragraphs 4.3.11-4.3.14 (Document CD/8/6).

- (ii) The MDIP would provide a unique facility in the UK after 2011 for the treatment and recovery of paper waste to produce high quality paper pulp. It would take forward Defra's policy in WSE 2007 to prioritise the increased recycling and recovery of paper and to take advantage of the carbon benefits it would provide.
- (iii) Given the agreed CO<sub>2</sub> savings set out in Document GF/27, the proposals would meet the strategies in both WSE 2007 and the UK Low Carbon Transition Plan (July 2009) pages 162-3 (Document CD/8/8) in relation to the section dealing with reducing emissions from waste. If the UK is seeking to reduce emissions from waste of around 1 mpta, this site alone would contribute about 7% of that objective.

#### Need for the eRCF proposals

6.11 There is a demonstrable need in Essex for new facilities to manage both MSW and C&I wastes. Both the RCF and the eRCF would be well-equipped to deal in a modern sustainable manner with MSW and/or C&I whether or not the applicants (with an operator partner) win the MSW contract. Further, there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The eRCF MDIP would be capable of not only meeting the Essex and the East of England's needs in terms of recycling/recovery of high quality paper (thus meeting WSE 2007 key objectives) but providing a facility for a wider area in accordance with EEP Policy WM3.

6.12 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. Essex is expected to manage 3.3mtpa MSW and C&I waste during the period 2010/11 to 2015/16 rising to 3.7mtpa during the period 2015/16 to 2020/21. However, the need case has been assessed on a more conservative basis (2.4mtpa by 2020/21) put forward by the East of England Regional Assembly (EERA) in a report entitled 'Waste Policies for the review of the East of England Plan' dated 29 June 2009 (Document CD/5/2). As indicated in Document GF/33, consultation has commenced on this matter as part of the process of review (Document CD/5/8). There is a small change in the figures contained in the consultation document compared to those set out in June 2009 in terms of predicted MSW arisings. However, C&I predictions remain the same and the changes do not have a material impact on the analysis undertaken by the applicants.

6.13 The potential treatment capacity of the currently permitted facilities in Essex is 1.375 mtpa. There do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. ECC indicate that it is not possible to predict whether other proposals will come forward that would be acceptable. Whatever proposals may be in contemplation by others, they are inherently uncertain. Their delivery and acceptability is uncertain, as is the extent to which they would be able to compete in the forthcoming PFI procurement.

6.14 Even with the application proposals in place, there would be a need for additional facilities, as demonstrated by the shortage of treatment capacity that exists to deal with the arisings that are specified in the regional apportionment set out in the EEP. If the reduced figures in the EERA Report of June 2009 are used, there would still be a shortage of treatment capacity and a need for additional facilities. Notwithstanding this, the figures set out in EEP Policy WM4 are the determinative figures for the purposes of this application.

6.15 The analysis undertaken in Document GF/4/A confirms that either the RCF or eRCF is critical in terms of meeting the county's targets. Even on the conservative basis referred to at paragraph 6.12 above, a serious treatment capacity gap would remain ranging from around 410,000 to 540,000 tpa. This indicates that at least one additional facility would be required regardless of whether the RCF or the eRCF were contracted to treat MSW.

6.16 The 'Updated Capacity and Need Assessment – Final Report' (Document CD/10/4) prepared by ERM for ECC in July 2009 is inaccurate. For example page D11 in Annex D identifies sites which should not be included in the list as they do not contribute to the current capacity to treat C&I waste. Contrary to the claim in paragraph 6.1 of Document LC/1/E that the overall capacities in the 2009 ERM report are as accurate as they can be, it is clear that the document contains errors. Moreover, that report will not form part of the evidence base for the Waste Development Document as stated in paragraph 3.1 of Document LC/1/E. ECC will arrange for a new report to be prepared.

6.17 Without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large and high input capacity landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy, and because of the effect of landfill tax on the economics of disposal against treatment. Thermal treatment of residual waste, incorporating CHP, as strongly supported by the WSE 2007 and the OBC 2008, increases the level of recovery and considerably reduces long term pressure on landfill needs. The policy-supported need case is further supported by the fact that most currently permitted and operational landfill capacity in the county (excepting the recently permitted Stanway Hall 'Landfill' at Colchester, which is tied to the proposed MBT facility, and the Bellhouse site at Stanway) will be closed by 2015 as indicated in Document GF/24. Additional landfill capacity will therefore be required to meet landfill needs even with all treatment capacity in place.

6.18 It appears that the ERM reports had considered "all void space without restriction". Sites such as Pitsea may well be of limited contribution. The applicants approach is therefore a more realistic analysis of landfill capacity than that adopted in the ERM reports.

6.19 The landfill policy and legal regime (including the forthcoming landfill tax increases) provide a disincentive to the continuing rates of use of landfill. In contrast, there are positive incentives for increased recycling and recovery, including the greater commercial attractiveness of recycling and recovery. This is important, since it makes proposals such as the eRCF critical to achieving and reinforcing the objectives of current policy. It is also relevant to claims about inadequacies of paper feedstock which are dismissive of the ability to divert from landfill a significant

quantity of paper and card which is currently landfilled in the East of England at a rate of about 713,000 tpa (Document CD/10/1 pages iii and 78 – Detailed Assessment of East of England Waste Arisings - Urban Mines Report, March 2009).

*Relevance of the Essex Waste Management Partnership PFI OBC July 2009*

6.20 The need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable but because ECC did not have control over it, whereas it did control the Basildon site which now forms the sole reference project site. The reference project does not preclude tendering for the ECC MSW contract based on the Basildon Site and/or an additional site, such as the application site. (Paragraph 4.3.19 Document CD/8/6). ECC confirms that both the RCF and eRCF would provide suitable technologies for the proposed ECC waste contract which is explained in the JMWMS at section 4.6 (Document CD/8/2). The applicants will be taking part in the forthcoming public procurement exercise by ECC, involving the application site, whether with the RCF or the eRCF.

6.21 The application site is acknowledged as part of the "competitive landscape" for PFI procurement and is referred to under that heading in the OBC 2009 at paragraph 4.3.4. The OBC does not include provision for C&I waste which lies outside the WDA's duties, although ECC as WPA is required to take account of the need to provide for facilities for such wastes. The OBC 2009 therefore only makes provision for one part of Essex's waste needs and comprises less than 1/3 of the planned budget for ECC's waste, as indicated in Document GF/24.

6.22 Although objectors to the application proposal have made frequent reference to existing and potential increases in recycling, kerbside collections, composting, the provision of local facilities and the like, it is important to recognise that waste does not treat itself and facilities such as the eRCF are required in order to allow ECC to meet its waste targets and to increase still further recycling, treatment and recovery of waste. The proposals will assist in, and not obstruct, a continued increase in recycling and recovery of waste. The PPS10 advice for communities to take greater responsibility for their waste does not obviate the need to make provision for facilities such as the eRCF for the county generally or to meet ECC's share of London's waste.

*Waste arisings*

6.23 Whether or not the RCF or eRCF were originally proposed for MSW and/or C&I waste is irrelevant, as the applicants have made clear that both facilities could deal with MSW or C&I or both. The document submitted in support of the RCF application considered C&I waste at some length and made it clear before planning permission was granted that at least some of the waste to be dealt with would be C&I. (RCF Supplementary Report at Document CD/3/6, Section 5).

6.24 The treatment capacity gap for C&I waste is such that even if the applicants do not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The first two tables at Document GF/24 show an overall treatment capacity gap (i.e. need) of between 412,762 and 537,762 tpa even on the basis that there is development of both the Basildon Site and the RCF/eRCF. This need is agreed by EEC. Even on the basis of the ERM Reports (Documents CD/10/3 and



10/4) the deduction of the treatment sites agreed with the LCG witness would give rise to a need/capacity gap of at least 326,800 tpa.

6.25 The relevant figure for determining the appeal is, in fact, the 3.7 mtpa in 2020/21 apportioned to Essex by the EEP Policy WM4. The draft figures in the EERA Report of July 2009 (Document CD/5/2), which forms the basis of the consultation currently under way, and those in the ERM Reports, have not yet been subject to the results of consultation and examination and are at a very early stage of consideration. They therefore carry little if any weight and do not provide a justification for departing from the RSS figures having regard to the clear guidance of the Secretary of State in PPS10 at paragraphs 13 to 15.

6.26 The capacity gap which would remain on the basis that both the Basildon and RCF/eRCF facilities are provided would have to be met by other sites. Only 3 of the WLP allocated sites have come forward despite the Plan being adopted in 2001. The allocations are of more than 10 years' standing if the draft plan is considered. The 3 sites which comprise the application site, the Basildon site and the permitted Stanway site, will not meet all of Essex's waste management needs.

6.27 The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead (Document CD/15/5/B) is considered at Document GF/40. There has been no planning application for such a proposal and it is at an embryonic stage. It does not affect the conclusions of the overall analysis of the need for waste treatment facilities in Essex.

*Alternative approach - the ERM Reports (Documents CD/10/3 and 10/4)*

6.28 The EEP EiP Report (Document CD/5/7 Chapter 10) does not discuss the methodology or the details of the ERM assessment and cannot be regarded as an endorsement of any specific methodology. In any event, the RSS being at a higher strategic level is likely to have been based on higher level data and not subject to the sort of detailed local information and scrutiny which will be the case with the Essex and Southend waste plan. Notwithstanding this, the key is in the detail and reliability of the data. The EiP's judgment on the reliability of the data for the RSS says nothing about the reliability of the data in the reports of ERM produced for ECC.

6.29 Those who are familiar with the sites referred to in the ERM Reports, are critical of the lack of practicality or realism in the assessment of existing capacity. It is clear from the examples identified at the inquiry that reasonable care has not been used in drafting the "final" ERM 2009 report. The pet crematoria in the 2007 list of sites (Table 3.2, ERM 2007) were plainly unsuitable for inclusion. The Schedule at page C2 of the 2009 ERM report included permitted sites, whereas it was intended to show sites with a committee resolution to permit subject to legal agreement. Table 3.3 on page 16 of that report did not have figures which properly corresponded to the schedules at pages C1 and C2. The 888,000 tpa figure in that table may be accounted for by Rivenhall plus part of Basildon, but it is unsatisfactory to have to make such assumptions. It should also be noted that the arisings figures used are estimates based on figures derived from Urban Mines which in turn are derived not from East of England figures but a report from the North West.

6.30 In contrast, the applicants' assessment, which gave rise to the waste flow models at Document GF/4/B/4, considered sites in terms of what they are reasonably

capable of doing. For example transfer sites were assessed by their ability to sort materials and send such material direct to market. Moreover, EA data on actual throughputs was utilised.

6.31 Having regard to the guidance at paragraphs 13-15 of PPS10 in relation to plan reviews, the draft figures from EERA and ERM reports carry little or no weight. Moreover, as the standard of the 2009 report is not one which would normally be expected to be provided to a client, it should be given no weight in the consideration of the need case.

#### Conclusions on general need

6.32 The application site is plainly needed to meet the significant shortfall in Essex's current and future capacity to deal with waste. The proposal is on an allocated site in a preferred location, albeit with a larger footprint, which already has the benefit of an implementable permission for a similar scale and type of development.

#### The Paper Pulp Facility

6.33 The Pulp Facility (MDIP) is a further waste management facility. It would produce a product that directly replaces virgin fibre pulp in mills producing printing and writing paper (P&W). The applicants envisage concentrating on producing pulp for P&W rather than tissue. The MDIP would utilise the waste heat and steam from the CHP plant, reduce the use of virgin trees, avoid reliance on landfill, and associated methane production, and result in energy and CO<sub>2</sub> savings by virtue of the use of waste rather than virgin paper.

6.34 Around 13.15mtpa of waste paper, card and packaging is available for recovery in the UK. In 2008, 8.8m tonnes was collected or sorted for recycling, of which 4.18m tonnes (45%) was used in UK paper or board mills. The remainder was exported, principally to China (Document GF/24). Very little recovered medium and high grade papers are recycled for P&W because most goes to tissue mills, or is exported, and UK P&W production capacity utilising recovered paper is very low. More could become available if a ready supply of pulp were to be made available. In the UK, there are no pulp facilities comparable to that proposed and only two in Europe as a whole. There are a number of factors (e.g. procurement initiatives and social responsibility programmes) which would drive the market for P&W production utilising recovered paper.

6.35 The proposal would help to avoid sending paper waste overseas, and reduce reliance on virgin wood pulp from abroad.

6.36 With regard to the availability of feedstock, there is an ample supply within a wider area than the East of England. Moreover, there is no rational planning or sustainability/carbon reduction basis for confining 80% of the feedstock to the Region since there are as many locations within London, the South East and East Midland Regions which are as accessible to the application site as many parts of the East of England. Modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste. Distance from source is a more logical basis for a planning condition than the boundaries of the Region. Notwithstanding this, no adverse consequences have been identified if the MDIP was not run at capacity.

6.37 There is a considerable resource of potentially available P&W feedstock in the East of England Region which could be targeted given national policy in WSE 2007 and commercial incentives. It is not expected that the facility would deal with waste primarily from outside the region. The following factors are noteworthy when considering feedstock:

- i. At present 180,000 tpa of feedstock is provided to the former M-Real plant in Sittingbourne which will cease to operate for high quality grade paper from P&W waste by 2011. That plant is proposed to go over to the production of packaging quality paper as indicated in Document GF/30.
- ii. The 2009 Urban Mines Report identified about 713,000 tpa of paper and card currently going into landfill in the East of England (Document CD/10/1 Page 78). Urban Mines noted that, along with other materials, this represents a potential resource for recycling, composting or energy recovery, should the requisite separation and treatment regimes and facilities be in place. Bearing in mind that about 36% of paper and card consumed in the UK is P&W (Document GF/24) it can be assumed that about 257,000 tpa P&W goes to landfill in the East of England. There is therefore potential for further recycling and recovery.
- iii. 1,879,174 tpa of paper and card is exported through the East of England out of Felixstowe and Tilbury (Document GF/4/B/20) of which 304,186 tpa is sorted. There seems no good reason why waste which is currently passing through the East of England should not be processed at the application site if competitive terms could be offered.

6.38 The eRCF would be able to receive and process P&W recovered in the East of England Region as its presence would provide collectors with a more financially attractive destination than alternatives further afield. Processing high grade paper in the UK is plainly preferable to shipping it abroad (where the majority is used for newsprint or packaging), or sending it to landfill in the UK. Seeking to recover the waste more sustainably is in accordance with the key initiative to increase paper recycling in WSE 2007 at pages 51 and 55.

6.39 Based on discussions with paper producers and suppliers, and the advice of specialists such as Metso and Pricewaterhouse Coopers (Document GF/4/D/1), it would be possible to produce pulp to an appropriate quality at a competitive price. Document GF/31 indicates that the applicants' potential partners are keen to set up a closed loop recycling process and thereby encourage the return of used paper to their customers. There should be little need to seek feedstock that is currently being delivered to tissue mills.

6.40 There is an overwhelming need for both the proposed MSW and/or C&I waste treatment capacity including the Pulp Facility. The assertion that the proposals are not commercially attractive is unfounded given the strong interest of the commercial market in both the RCF and the eRCF, and the need for the Pulp Facility, which is supported by the World Wildlife Fund (Document GF/4/D/5).

#### *Viability issues and the paper pulp facility*

6.41 Objectors submit that they have seen no evidence that the MDIP proposal is financially viable. However, the relevant figures are commercially confidential as the

applicants are currently in negotiations regarding the proposal. In general the planning regime does not require a developer to prove viability. Nevertheless, the information provided at Section 2 of Document GF/4/C and the documents referenced therein should enable the SoS to be satisfied that there is no issue with regard to the viability of the MDIP. The capital cost of the MDIP would be less than a stand alone facility because it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. There is genuine commercial interest in the eRCF proposals from potential operator partners and key players in the waste industry, as evidenced by the letters produced at Document GF/4/D and GF/26.

6.42 The issue of viability has arisen primarily because of EEP Policy WM3. This acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. It indicates that 'Allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit, such as the provision of specialist processing or treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes.' Viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*" it being accepted that there is a clear benefit from the specialist facilities which the MDIP would provide.

6.43 The site would not be dealing *primarily* with waste from outside the catchment (which must mean more than 50%), only a proportion. The restriction in Policy WM3 therefore does not apply, although the recognition of the role of the specialist facility remains relevant.

#### *The relationship between planning and environmental permitting*

6.44 The relationship between planning and permitting is clearly set out in PPS23 paragraph 10. Amongst other things this indicates that 'The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.'

6.45 The acceptability in principle of the proposal must be shown in land use planning terms. It is therefore appropriate to demonstrate that the impacts on the environment, human health and other related matters can be adequately controlled, managed and monitored by the EA, dealing with the technical issues of the process, and that any necessary mitigation and control of pollution can be undertaken through the EP process.

6.46 As noted already, the EA does not consider there to be an issue in principle with the acceptability of the proposed eRCF. The EA's e-mail of 5 October 2009 (Document GF/28) explains why an application for an EP is not practicable at the moment. There is no legal or even policy requirement for the EP to be submitted contemporaneously with the planning application and in a case such as the present where the process is protracted due to call-in and the need to enter into a contract with an operator, it is not surprising that the EP application has not been run in parallel with the planning application.

6.47 However, a significant amount of work has been carried out to assess the likely impacts of the proposals on matters such as air quality and the control of emissions, as can be seen from the component parts of the ES. The EA has been involved in discussions with the applicants throughout the design, modelling and application process. The recent EA letter (Document CD/15/7), to the extent that the EA has properly understood the changes and the Addendum, shows that some additional work would be needed for the EP, though it does not show any objection in principle to the proposals. The EA letter refers to the stack heights of 2 energy from waste (EfW) plants elsewhere. However, the buildings associated with those plants are substantially taller than the proposed eRCF building, and cannot be directly compared with the application proposal. The lower height of the eRCF building would result in a lower stack than would otherwise be necessary.

6.48 Notwithstanding this, the EA has sent a subsequent letter dated 22 October 2009 (CD/16/1), whereby it confirms that it does not object to the proposed eRCF. As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. This could be achieved by means other than increasing the stack height. In fact, dilute and disperse using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions, with preference given to abatement and the reduction of emissions at source. The applicants would need to demonstrate that the predicted impact from the eRCF would not result in a significant increase in pollutant concentrations. Where necessary, additional controls could be used to reduce emissions. This is recognised in the latest letter from the EA which indicates that *'there may be other options available to the applicant to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits...'*.

6.49 The H1 document referred to by the EA in its letter of 13 October 2009 is a consultation document and the Environmental Assessment Levels (EALs) proposed in that document have not been formally accepted. Nevertheless, should these be formally adopted, the applicants would need to demonstrate to the EA that there would be no significant worsening of air quality with respect to these EALs. With regard to the EALs for some of the trace metals, it has already been demonstrated that assumed trace metal emissions from the CHP plant have been substantially overestimated. The CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality.

6.50 The detailed environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. The assessment is based on the most reasonable worst case and demonstrates the appropriateness of a 35 m stack height (above existing ground levels) in terms of air quality, human health and landscape and visual impacts. After discussions with the EA (following their letter of 13 October 2009), the applicants remain confident that even if more stringent emissions limits were imposed through the permitting process, a 35 m stack height would be achievable by means of the Best Available Technique (BAT) at that time. Nevertheless, in the unlikely event that the height of the stack is required to increase by 5m (i.e. up to a height of 40 m above existing ground level), visual material has been presented to determine whether such an increase in stack height would be acceptable in landscape and visual impact terms. If planning permission were

granted, the Inspector, the SoS and the general public can be confident that the EA would ensure that any environmental risk would be adequately managed.

6.51 There is no reason to believe that the proposed technical mitigation measures could not be dealt with satisfactorily at the EP stage and thereafter monitored, enforced and reviewed where necessary by the body with the appropriate technical expertise to deal with such issues.

*Issue 1: The Development Plan*

6.52 Whilst the application falls to be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise, a breach of one or even several policies does not mean that the proposal considered as a whole is not in accordance with the DP. Moreover, the materiality of the fallback position may render any such breaches of little consequence since they are likely to occur in any event.

6.53 The statutory development plan includes the EEP, WLP and BDLPR. Only the EEP is up-to-date. Key portions of the WLP are not consistent with PPS10. For example, policies in the WLP rely on BPEO, whereas the Companion Guide to PPS10 (document CD/6/6/A) makes it clear at paragraph 8.26 that there is no policy expectation for the application of BPEO, and that requirements should not be placed on applicants that are inconsistent with PPS10. Furthermore, it is not the role of a development control planning inquiry to revisit the figures in the RSS for waste and regional waste apportionments, other than in accordance with the advice at paragraphs 13 to 15 of PPS10. To do otherwise would destroy the certainty which PPS10 requires, and undermine the statutory role of the RSS.

6.54 The need for the proposal has been demonstrated above. In the light of that need, the eRCF would enable delivery of the waste management objectives in EEP Policy WM1 and achievement of the recovery targets in EEP Policy WM2. It would make a major contribution to the meeting of the Landfill Allowance Trading Scheme (LATS) targets and would deliver a solution consistent with the JMWMS. It would minimise the environmental impact of waste management; manage waste as a resource; and help to secure community support and participation in promoting responsible waste behaviour. It would secure the wider environmental and economic benefits of sustainable waste management and assist almost immediately in the meeting of the Government's targets for reducing greenhouse gas emissions.

6.55 The MDIP proposal is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK.

6.56 The eRCF would assist ECC in managing its apportionment, set out in EEP Policy WM4, in a manner which would be in accord with EEP Policy WM5. The eRCF proposal accords with the objectives of EEP Policy WM5 insofar as it would be developed at the preferred location WM1 identified in Schedule 1 of the WLP. The needs tests in WLP Policies W3C and W8A would also be met.

6.57 Objectors to the eRCF contend that the site does not comply with the DP for two principal reasons. Firstly, the application site extends considerably beyond Preferred Location WM1 and, secondly, the proposal would introduce an industrial

process onto a site part designated for waste management facilities contrary to BDLPR Policies 27 & 78. Other potential conflicts relate to assessments of the impact of the proposals and the mitigation measures, which are dealt with under specific subject headings, below.

*WLP Allocation WM1 and the size of the site*

6.58 The WLP and the BDLPR, unlike the EEP, are not in all respects up-to-date and do not reflect PPS10. There is reliance on BPEO which was removed from national policy and replaced by the requirements of PPS10. The RCF permission is an indicator that the eRCF should be accepted in planning terms and forms a robust fallback position. The WLP is 9 years old and based on data which is even older. The site allocations were formulated no doubt in the light of a different policy landscape for waste and different figures regarding arisings which had to be dealt with within the plan area.

6.59 The views of the EERA Regional Secretariat on the RCF are set out in a report to the regional planning panel sub committee dated 19 January 2007 (Document CD/3/2). This comments on the difference in scale between the RCF and the allocation in WM1, and states that the difference in the size of the site compared with the allocation is acceptable in strategic terms. Given the scale of the existing need and the benefits of providing the integrated eRCF, the difference in the size of the site required for the eRCF compared with the allocation is equally justified.

*Whether the MDIP is a Waste Treatment or Industrial Facility*

6.60 The question of whether the MDIP should be classed as an "industrial" facility is a red herring. The focus of BDLPR Policy RLP 27 is on the strategic location of employment generators and traffic, and not whether a use is characterised as "business", "commercial" or "industrial". The BDLPR does not regulate waste development and, in the light of WLP WM1, waste development on the application site would not be a breach of the DP. The eRCF is a waste facility and therefore is not in breach of RLP27. Moreover, the RCF is as much an employment generator and generator of traffic and there is little difference between it and the eRCF.

6.61 The MDIP would be a waste management facility integrated with other such facilities. Its presence would make no difference to the size of the application site, and its claimed non-compliance with Policies RLP27 & RLP78 is, on that basis, irrelevant. Co-location of waste management facilities and other industrial processes accords with PPS10 and EEP Policy WM1 and secures major benefits, including savings in energy consumption and reduction in CO<sub>2</sub> emissions.

6.62 In terms of the WSE 2007 (Document CD/8/1) the recycling of paper waste is as much a priority as other forms of waste management which recycle and recover waste in accordance with national and EU policy. WSE 2007 is more than simply guidance. As it notes on page 6, the waste strategy and its Annexes, together with PPS10, is part of the implementation for England of the requirements within the Framework Directive on Waste, and associated Directives, to produce waste management plans. These are the national level documents of a tiered system of waste planning in England, which together satisfy the requirements of the various Directives.

6.63 Page 13 of the WSE 2007 indicates that key waste materials have been identified where diversion from landfill could realise significant further environmental benefits. It indicates that the Government is taking action on various materials including paper, and that it is establishing with the paper industry an agreement with challenging targets to reduce paper waste and increase paper recycling. At pages 52-53, paper and card are identified as being among the priority waste materials which offer the greatest potential for reduction in greenhouse gases from increased recycling and recovery.

6.64 A district local plan does not deal with waste management facilities. Notwithstanding this, the concerns of the LCG with regard to the MDIP in relation to BDLPR Policies 27 and 78 should apply equally to the treatment of other waste materials at the eRCF, including the production of SRF through the MBT and composting through the AD. All of these processes treat waste materials and end with a recovered product. Under EU waste legislation and policy, waste remains waste until it is recovered (i.e. converted by the recovery process into some beneficial product). Accordingly, while the pulp resulting from the process would be a saleable product, until it has gone through the treatment process and been recovered, it remains waste and the processing through the MDIP is a waste management process.

6.65 The character and use of the proposals as a whole, including paper treatment, is that of a waste management facility. This is wholly consistent with the RSS Policy WM5 and WSE 2007. Permission is not sought for any general industrial facility. A similar sized waste facility, albeit without the MDIP, has been permitted in the form of the RCF. Policy RLP27 is concerned with employment and traffic, and this will arise in any event through the RCF. ECC accepts it is questionable whether the proposals represent a departure from the DP in relation to Policy RLP27, and it was only treated as such by ECC on a precautionary basis.

6.66 With regard to the claimed breaches of policy relating to agricultural land, countryside policies and the like it is relevant to note that PPS7 and PPS10 have to be read together in the light of sustainable waste management strategy. Moreover, the BDLPR does not consider waste management issues and, notwithstanding this, the RCF has very similar impacts. National policies, such as those in PPS7, also require regard to be paid to weighty issues such as sustainable waste development and the need to address climate change. These matters are addressed by the application.

#### *Highways and transportation*

6.67 It is reasonable to anticipate that the eRCF would generate no more than 404 daily HGV movements, particularly as there is potential for lorries that deliver material to the site to be used for carrying material from the site (i.e there is potential for back hauling). The operator would have control over deliveries and the despatch of material to and from the proposed plant, and there is no reason to believe it, or the hauliers themselves, would wish to operate on the basis of sub-optimal loads. Data from the inputs for the EA's 'WRATE' Life Cycle Assessment Model are an unsatisfactory substitute for the knowledge of experienced waste hauliers, which was used by the applicants.



6.68 Notwithstanding this, there has been no suggestion that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. The dispute about HGV numbers primarily relates to concerns about the capacity of the proposed MDIP.

6.69 Braintree District Council resolved, despite the Highways Agency's position and without the benefit of advice from a highway engineer that it would object to the eRCF on the sole basis, in this context, of the impact of resulting HGV flows on the capacity and safe operation of the A120. However, transport planning policy indicates that facilities such as the eRCF should have good access to roads high up the roads hierarchy, and Trunk Roads should therefore be expected to accept increased traffic flows associated with it. The Highways Agency's decision not to object to the eRCF was founded on current guidance (see Document GF/10/F).

6.70 The application site is the only one of the preferred waste sites listed in the WLP to have the benefit of direct access onto the Trunk Road network. It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF would avoid peak hours where practicable. Most of the traffic attracted to the eRCF would not coincide with the peak hour periods on the A120. Notwithstanding this, the catchment area for the waste arisings suggests that an alternative elsewhere would attract increased traffic flows on the A120 in any event.

6.71 The junction of the extended Bradwell Quarry site access road, which would be used to access the site, and the A120 would operate satisfactorily in the relevant design year (2018). Subject to the imposition of the proposed restriction to 404 HGV movements daily, there would be no material difference between the RCF and eRCF in terms of impacts on the capacity and safe operation of the A120.

6.72 The junctions of the access road with Church Road and Ash Lane will be improved. Both crossings have a good safety record, and the proposed improvements have the potential to further improve their performance.

6.73 Visibility on the Church Road south approach has been identified as the most critical sight line. It is agreed that the standards set out in Manual for Streets is applicable as this is a lightly-trafficked rural road. This document requires a minimum 60m 'y distance', which is achievable. No substantial issue remains in respect of these minor road crossings.

6.74 Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.

6.75 In conclusion, it has been shown that the proposal accords with relevant development plan policy in the EEP (Policy T6), the WLP (Policies W4C, W10E & W10G) and the BDLPR (Policies RLP 49, 50, 52, 53, 55 & 75), bearing in mind, so far as the BDLPR is concerned, that the proposed development has specific

characteristics and locational requirements which should be taken into account when assessing compliance with these policies. There is no material difference between the RCF and eRCF in highways and transportation terms.

### *Landscape and Visual impact*

6.76 The landscape character of the application site and its surroundings is derived from its use as a World War II airfield and an existing large quarry. The heritage significance of the airfield is assessed at Document GF/32. Although it is of some local historical significance, much of the airfield and its military buildings have disappeared and consequently it is not considered to be a particularly good surviving example of a World War II military airfield. The quality of the landscape is ordinary; its character as Essex plateau farmland has been degraded, and its sensitivity to change reduced. As the site lies on a high open plateau the perceived visual envelope of the development would extend over a considerable distance. However, there are relatively few residential properties within this envelope. The site does not lie in a designated or nationally protected landscape area, though the existing site access road passes through the Upper Blackwater Special Landscape Area which is subject to the protection afforded by BDLPR Policy RLP79. Isolated woodland blocks assist the application site's visual containment and all trees on site are protected.

6.77 The proposed facility would have few sensitive visual receptors. There are no residential properties in close proximity to the proposal and of the footpaths within the development's visual envelope, only FP8 passes in close proximity to the proposed eRCF building. The principal means of minimising the visual impact of the proposed buildings and integrating them into the landscape would be as follows:

- (i) their construction would be largely below existing ground level;
- (ii) the facility would be no higher than the existing hangar with the building design reminiscent of it;
- (iii) cladding materials would be dark and recessive;
- (iv) the substrate of the green roof would be colonised with mosses and stone crops;
- (v) the retained woodland would be managed to improve its diversity and screening quality, and new woodlands would be created; and,
- (vi) new hedging would be planted along the northern site boundary and sections of the proposed access road.

6.78 Only one property (Deeks Cottage) would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation. Over the same period, only 4 other individual properties (The Lodge at Allshot's Farm, Haywards, Heron's Farm and Sheepcotes Farm) and a limited number of properties on the eastern edge of Silver End would experience minor adverse visual impacts. Users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. These impacts would generally arise as a result of the new building projecting above the confines of the existing woodland screen. The proposed new hedging and woodland would take time to mature, but within 15 years they would adequately screen the proposed facility (other than the upper section of the stack) from nearby visual receptors.

6.79 Objectors have expressed concern about the possibility of dewatering of the existing woodland that would be retained adjacent to the excavation which would accommodate the eRCF. However, clay is the dominant material in the soils beneath the woodland blocks. The woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The woodland trees are not dependent upon the groundwater locked in any aquifer below ground, but are reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any dewatering related effects that occurred in the sand and gravels would not have an impact upon the woodland trees.

6.80 Notwithstanding this, it cannot be entirely discounted that the proximity of the proposed retaining wall to the trees would not have some impact on the water regime which is critical to the trees, particularly during construction. As a precautionary measure, selective coppicing would be undertaken to reduce the water demand of the trees closest to the wall. This would reduce transpiration and make the coppiced trees better adapted to any potential reduction in water supply. Such management would in any case be complementary to the management likely to be prescribed for increasing biodiversity in the woodland habitat, delivered in accordance with the Ecological Management Plan.

6.81 The development of the CHP capacity necessarily involves the provision of a chimney stack. It is acknowledged that this would be a noticeable addition to the landscape, and would be visible over a wide area given the Site's location on a high, flat plateau. However, it would be seen only as a small element of the overall view, although it is accepted that users of FP8 in particular would be conscious of the presence of the stack and associated plant. The impact of the proposed stack would be mitigated by:

- (i) the quality of the landscape in which it would be sited and its reduced sensitivity to change;
- (ii) the lowering of the stack into the ground resulting in height of only 35m above ground level;
- (iii) the cladding of its upper part in stainless steel with a reflective finish to mirror surrounding light and weather conditions, which would help to minimise the perceived scale of the stack and its visual impact;
- (iv) the presence of existing and proposed additional woodland to the south - it would protrude about 20m above the average height of the retained existing trees;
- (v) its remoteness from sensitive receptors; and,
- (vi) the absence of a visible plume.

6.82 Because the eRCF would be located in a light sensitive area, detailed consideration has been paid to minimising the risk of light pollution. Measures that would be taken include the installation of external lighting below surrounding ground level, the direction of light being downwards, and the avoidance of floodlighting during night time operations. Timers and movement sensitive lights would be fitted to the exterior of buildings to provide a safe working environment when required. The plant would only operate internally at night.

6.83 The proposed extension to the existing access road would be constructed in cutting and would run across the base of the restored quarry, therefore lights from vehicles travelling to and from the eRCF within this section would be screened from

view. An independent review of the lighting proposals (Document GF/2/D/2) puts forward a number of recommendations to further minimise the impact of external lighting and concludes that with the incorporation of these amendments the impact of the eRCF on the night sky would be minimal. The Technical Note on Lighting (Document CD/17/1), prepared in response to the objectors representations at Document CD/16/4 indicates that the final lighting design would conform to the requirements of any planning conditions. However, it is intended that:

- luminaires located around the eRCF buildings would be fixed at a maximum height of 8m above the finished surface level of the site;
- there would be no upward light from use of the proposed flat glass luminaires mounted at 0° tilt;
- the weighbridge would be illuminated;
- the lighting installation would be fully compliant with the requirements of the proposed 18.30 to 07.00 curfew;
- there would be no need to provide illumination of the 'high level access road' as maintenance and repairs in and around this area would be provided during normal daytime working hours; and,
- internal lights would either be switched off or screened by window coverings during night time operations.

6.84 The final design of the lighting scheme would incorporate these amendments, subject to conformity with the requirements of planning conditions.

6.85 In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use. It is concluded that the eRCF proposal accords with relevant policies in EEP (Policies ENV2 & ENV5), WLP (Policies W10B, Q10E & W10G) and BDLPR (Policies RLP 36, 65, 78, 79, 80, 81, 86, 87 & 90).

6.86 A postscript arises in the context of landscape and visual impact. Should it be necessary for the stack to rise 40m above ground level, the additional 5m would be imperceptible and have no impact on the appraisal of landscape and visual impact in the ES. The SoS is invited to confirm that he would not regard the addition of 5m to the stack as itself unacceptable.

### *Ecology*

6.87 The baseline surveys revealed a number of species of nature conservation value and habitats of interest on the site, including semi-improved neutral grass land, semi-natural broadleaved woodland, the River Blackwater, ponds inhabited by great crested newts, and a variety of bird species and bats. Development of the eRCF would result in the removal of some of these habitats and disturbance to associated flora and fauna, but significant areas of habitat would remain. Significant mitigation, compensation and enhancement measures are proposed to address the effects of the eRCF.

6.88 The applicants are committed to a range of ecological enhancements that go beyond compensation. These measures include:

- 3.4ha of proposed new woodland;

- 2km of hedgerow planting linking to semi-natural habitats off-site;
- the creation or enhancement of about 7.8ha of open habitat to be managed for nature conservation (2.8ha species-rich neutral grassland and about 5ha of open habitat incorporated into the green roofs); and,
- ponds managed for great crested newts and buildings refurbished to provide specific roosting opportunities for bats.

6.89 The positive management of existing habitats for nature conservation would provide immediate benefits and, as newly-created habitats become established and available for management, the scope exists to contribute significantly towards biodiversity targets set in the EEP. The Ecology Summary Table at Document GF/8/B/1 shows a positive residual impact for three of the key habitat features at the Site, namely woodland, scrub and hedgerow network; open habitats; and ponds, which would support great crested newts. Disturbance to legally-protected species would be minimised or avoided.

6.90 NO<sub>x</sub> concentrations as a result of emissions from the eRCF would be very small and the impact on vegetation would be negligible. Predicted concentrations as shown in Document GF/6/D are less than 2% of the critical level for the protection of vegetation.

6.91 The proposed additional woodland planting would take several years to mature; but it is nonetheless apparent that the introduction of active management would result in immediate biodiversity benefits. Cumulatively, the eRCF would result in a positive residual impact, as reflected in the Ecology Summary Table at Document GF/8/B/1. In terms of development plan policy, the eRCF accords with EEP Policy ENV3 and WLP Policy W10E, and accords or does not conflict with BDLPR Policies RLP 78, 80, 81, 82, 83 & 84. There are additional positive benefits to biodiversity as a result of the eRCF compared with the RCF.

### Issue 2: Design

6.92 The approach to the design of the eRCF is described in the Planning Application Supporting Statement (PASS) and the Design and Access Statement. A site appraisal was undertaken at the outset, in accordance with BDLPR Policies RLP 90 & 91. It confirmed that the proposed design should reflect and enhance the local distinctiveness of this location in accordance with PPS1, 7 & 10. The design reflects that of the World War II hangars. Dark coloured cladding materials are proposed because they are recessive in the landscape and the building would be viewed against a dark backdrop of existing woodland. Construction of the roof as a green roof would further reduce the building's visual impact.

6.93 Another key concern driving the design has been the minimisation of the extent of visual intrusion. The sinking of the main building into the ground, retaining and supplementing peripheral trees and planting, and the use of a long, low, continuous profile have been employed as means to this end.

6.94 The design principles, location, layout, scale, dimensions and exterior design of the eRCF are essentially the same as the RCF, with a deliberate intention to minimise the changes between them, other than to enhance the project. CABE commented in a consultation response dated 25 October 2006, albeit in relation to the RCF, that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground

raised no concerns (Document GF/2/B/1). CABE was consulted specifically on the eRCF but did not respond, which suggests that CABE has no objection to the latest proposals.

6.95 A comparison of the RCF and the eRCF shows that the only significant change is the addition of the CHP stack. The objectors' focus on this feature supports this conclusion.

6.96 The design aspects of the proposal are appropriate for the location and provide reasonable mitigation for the visual impact which any waste facility of this kind is bound to have. Accordingly the proposals comply with design guidance in PPS1, and the principles set out in 'Designing Waste Facilities' (DWF) (Document CD/8/9), albeit that they inevitably pre-date that document. In particular, the eRCF embraces the design attributes of: functionality in use; build quality; efficiency and sustainability; designing in context; and aesthetic quality. Whilst each waste management process within the eRCF would benefit from its integration with others, there is sufficient capacity in each of the key processes to allow for variation thereby providing flexibility of use. Document GF/38 describes the flexibility of capacity which is inherent in each of the processes. The design of the MRF allows for upgrades in the eRCF's process which would meet potential changes in the type and composition of waste imported to the site. The MBT would have five autonomous process lines. In relation to the MDIP, minor modifications could be made to allow tissue paper pulp to be produced and opportunities exist to introduce a secondary treatment of the sludge arising from the de-inking process to recover a valuable secondary aggregate suitable for re-use within the aggregates market.

#### *Design for climate change*

6.97 The Climate Change Supplement to PPS1 requires proposals to make a full and appropriate contribution to climate change. Reducing carbon emissions forms part of Defra's waste strategy (CD/8/1) and part of ECC's JMWMS (Document CD/8/2)

6.98 Detailed computer modelling to assess the overall carbon balance, or global warming potential of the proposal, expressed in kg of CO<sub>2</sub> equivalents has been undertaken using the EA's WRATE Life Cycle Assessment Model. In order to compare results, 3 scenarios have been modelled, namely the baseline case (without either the eRCF or the RCF); inclusion of the RCF; and inclusion of the eRCF. The assessment indicates that the eRCF proposals would result in a significant reduction in emissions of CO<sub>2</sub>. Following discussions with an expert on WRATE from ERM, the carbon benefits of the proposals are agreed and set out in Document GF/27. This indicates that the total savings of CO<sub>2</sub> by 2020 would be in excess of 70,000 tpa. This compares favourably with the 37,000 tpa savings from the RCF and even more favourably with the baseline scenario. The baseline scenario is identified as saving 4,117 tpa of CO<sub>2</sub> in 2020 partly on the basis of active waste recycling programmes already in place in Essex. However, the baseline savings are only 6% of the savings which the eRCF would produce. The eRCF scenario has a considerably greater environmental performance than the other scenarios modelled.

6.99 It has been suggested that decoupling the CHP, the MDIP and the RCF would have advantages. However, this fails to recognise that the eRCF power supply to run the entire plant is self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme

would require 25MW of electricity from the National Grid, (with a higher carbon footprint), to power the waste management processes. Moreover the heat output from the CHP would be substantial.

6.100 The UK Renewable Energy Strategy (Document CD/8/4) sets out the Government's target to produce 15% of our energy from renewables by 2020 and identifies the planning system as central to its achievement. PPS22 makes clear that energy from waste is considered a source of renewable energy provided it is not the mass burn incineration of domestic waste. Document GF/37 addresses the concern of FOE that the recovery of energy through the CHP may not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC (Document CD/4/2), which does not come into force until late 2010. An R1 recovery operation is where the waste is used principally as a fuel or other means to generate energy. The R1 category includes incineration facilities dedicated to the processing of MSW which have an energy efficiency equal to or above a figure of 0.65 for installations permitted after 31 December 2008. The energy efficiency figure is calculated from a formula set out in the Appendix to the Directive. The formula gives a figure of 0.7732 for the CHP to be provided at the eRCF, which easily meets the requirement for classification as recovery.

6.101 The use of SRF in the proposed CHP plant, whether from the Basildon proposals or the application site itself, and the export of electricity to the National Grid would therefore contribute to meeting the Government's target. This contribution is increased significantly by the proposed co-location of the MDIP and its proposed consumption of heat from the CHP plant. Granting planning permission for the eRCF is therefore in accordance with PPS22 and the UK Renewable Energy Strategy, as well as the WSE 2007.

*Issue 3: Whether the proposal is consistent with the advice in PPS7*

6.102 Amongst other things, the eRCF proposal involves the loss of 1.77ha of woodland and its replacement with 3.4ha of new woodland planting, including 1.2ha outside the application site. The design seeks to minimise visual impact and reinforce local distinctiveness, and to ensure that changes from RCF (in particular, the CHP stack) do not result in material visual harm. The eRCF proposal accords with the requirements of PPS7 to protect or enhance the character of the countryside.

6.103 The objective of siting development at a location where it can be accessed in a sustainable manner, and in particular by alternative modes of transport, should be addressed pragmatically. The proposed eRCF is not, by its nature, a development which would normally be expected in or on the edge of a town or other service centre. Moreover, there is an allocation for waste management development at this location. The key issue concerns HGV movements, rather than trips by employees or members of the public.

6.104 The impact of the proposal on the best and most versatile agricultural land must be balanced against other sustainability considerations. Soils stripped from agricultural areas would be re-used sustainably. Whilst the eRCF would result in the loss of almost 12ha of Grade 3a agricultural land, there would be a similar loss if the RCF were constructed. This loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. The permanent severance resulting from the extended access road would also occur in the RCF scheme. Woodhouse Farm is unoccupied,

and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime.

*Issue 4: PPS10*

6.105 The eRCF is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.

6.106 A number of misconceptions have been presented in the objections to the proposal. These should be rejected. It is suggested that PPS10 can be substituted in the WLP policies for BPEO. This is incorrect. If specific plan policies are out of date, then those policies (e.g. W7G) should be given little weight and the policies in PPS10 should be applied.

6.107 The concept of community engagement and self-sufficiency does not require that facilities should be directed solely to the local community, or even the district. In many cases, waste management needs to be carried out on a county wide basis. The eRCF would allow Essex to increase its provision of sustainable waste management and provide greater means to secure increases in recycling and recovery and reduce carbon emissions. It is true, as the FOE points out, that a continued increase on minimisation, recycling and composting will improve the UK's position in climate change terms and in the reuse of beneficial material, but the eRCF proposals are part of the means by which improvements in sustainable waste management could be realistically achieved. Development control inquiries are not the means to achieve policy change, as the FOE appears to think.

6.108 Moreover, although the community should be engaged by the process, and their concerns taken into account, it does not mean that there must be unanimous community support. As in the present case, concerns of the community have been met so far as possible in terms of mitigation measures. The community's needs for waste management would in part be addressed by the eRCF.

6.109 The S106 provisions would create a process for community liaison with regard to the operation of the eRCF. The applicants have agreed to supply emissions monitoring information through the liaison committee.

*Air Quality*

6.110 Objectors have incorrectly claimed that air quality impacts would not be assessed until the EP application is made. There has been a considerable degree of technical assessment of the air quality and health impacts of the proposal.

6.111 PPS 10 indicates that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Insofar as PPS10



advises that planning authorities should draw from Government Advice and research, the Health Protections Agency's recent publication of "*The Impact on Health of Emissions to Air from Municipal Waste Incinerators*" (September 2009) provides further reassurance (Document GF/9/D). That document indicates that "Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be small and not detectable." The human health modelling presented in Chapter 3 of the Addendum ES (Document GF/12) confirms that the risks to human health from the proposed eRCF are negligible since the predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark.

6.112 A comprehensive assessment of emissions to air from the proposed eRCF has been undertaken and described in Documents GF/6, Chapter 11 of the ES and the Regulation 19 Submission. Dispersion modelling has been used to predict airborne ground level concentrations. With a stack height of 35m, the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated. In the model analysis, metal emissions were specified in three groups. Group 3 consisted of nine metals, one of which was arsenic. It was assumed for the purposes of the model that each individual metal would be emitted at the emission limit for the group as a whole. This was an extreme worst case assumption, and clearly implausible, as it could result in an emission nine times the emission limit for the Group 3 metals. Using this overestimate, in conjunction with a particularly stringent air quality limit value for arsenic due to be implemented in 2012, resulted in an exceedance of the annual mean limit. However, given the unrealistic overestimate of arsenic emissions, it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack which would have limited benefit. Realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment.

6.113 Examples of contour plots using a single multi flue stack for various potential pollutants can be found at Document GF/6/B/13 and GF34. The impact of stack emissions from the eRCF would be controlled by the monitoring of stack emissions. This is a requirement of the Waste Incineration Directive (WID). The WID requires continuous monitoring of some emissions such as NO<sub>x</sub>, CO, particles, volatile organic compounds, HCl, HF and SO<sub>2</sub>. For others which cannot be monitored continuously, periodic monitoring on a twice yearly basis is required. Compared to monitoring at specific receptors, this has the advantage of providing emissions data for a wide area rather than at a few specific locations and ensures that emissions and modelling data relates to the emissions from the plant. It therefore provides a greater degree of certainty about the impact of the plant.

6.114 In the case of the eRCF, the critical stack height for a single stack option is about 25m in terms of the dispersal of emissions. Above 25m, the law of diminishing returns applies. Stack heights depend on a range of many different factors and there is no indicative stack height for facilities in general. The height of a building is often critical in determining the necessary height of an associated stack. A stack height of 35m is adequate to meet air quality standards and should satisfy the EA's requirements.

6.115 No visible plumes are predicted to be emitted from the stack. The plume visibility assessment assumed a moisture content of about 7% for emissions from the gas engine and CHP plant multi flue stack. Information on plume visibility is provided in the ES Addendum at Chapter 2, Appendix2-1 Section 8 (Document GF/12).

6.116 With regard to traffic emissions, the proposed 404 additional HGV movements are the same as that proposed for the RCF. Based on the current Design Manual for Roads and Bridges (DMRB) screening criteria, a detailed air quality assessment is required if there is a change in vehicle movements above a set threshold and there are sensitive receptors within 200m of the road. This is not the case for the eRCF. Nevertheless, in response to concerns about possible changes in the split of traffic on the A120, an assessment of the air quality impacts due to traffic was undertaken using the DMRB methodology (Document GF/34). This demonstrates that there are no air quality concerns with a revised traffic split of 63%/37% in terms of direction travelled. Even with an extreme assumption that all of the development traffic accessed the site from an easterly or westerly direction, predicted traffic related pollutant ground level concentrations would be very small, and it can be concluded that development traffic would not have a significant impact on air quality.

6.117 With regard to the FOE's concerns regarding PM<sub>2.5</sub> emissions, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM<sub>2.5</sub>) the predicted maximum concentration of such material would be 0.14 µgms/m<sup>3</sup> which is significantly less than the target value of 25µgms/m<sup>3</sup>. The predicted maximum concentrations of such material anywhere within the model domain are well below the target value and are effectively negligible (Document GF/6/D).

6.118 The deposition of pollutants to ground has been calculated to support the Human Health Risk Assessment (HHRA), which can be found in the Addendum ES (Document GF/12). That assessment indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA. Document GF/9/E indicates that additional modelling was undertaken to include the ingestion of homegrown pork, beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible as the predicted daily exposure for all contaminants would be less than the relevant toxicological benchmark.

#### *Noise, vibration, dust and odour*

6.119 All waste recovery, recycling and treatment operations would be conducted within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise. Vehicles would enter and leave the building through high speed action roller shutter doors. The buildings would be operated under negative pressure. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised. Bioaerosols and odours would be controlled contained, and managed, as would noise and dust.

6.120 No technical or other evidence has been provided which undermines the assessment of noise and vibration impacts, and the mitigation measures proposed for construction and operational noise, as set out in the ES at Chapter 12, the Addendum ES at Document GF/12, and the Written Representations in respect of Noise Impact Assessment by Daniel Atkinson at Document GF/2/D/1. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays, excluding Sundays and Bank Holidays. Processing would take place on a 24 hour, 7 days per week basis, but would be undertaken inside environmentally controlled buildings, partly constructed below surrounding ground level and 1.1km from the nearest settlement.

6.121 The summary in Document GF/2/D/1 indicates that there would be no significant impact from construction noise at neighbouring residential receptors. The three suggested methods of assessment given in BS 5228:2009 Part1: Noise, have been used to assess the impact of constructional noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A), and thereby considerably below the threshold of 65db(A) set out for daytime noise construction in the code of practice with regard to the 5 dB(A) change method. Moreover, the assessment of construction noise has been undertaken on a worst case scenario. As the construction would involve excavations, it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than those predicted. The concerns regarding vehicle reversing alarms and the sounding of vehicle horns could be adequately addressed by management controls, including for example broadband reversing alarms where the perceived impact of tonal reversing alarms does not arise.

6.122 With regard to operational noise, the summary indicates that noise levels would be very low both day and night. The assessment of the operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and for night time periods 22 to 30 dB(A). The subjective perception of noise levels in the range 25 to 35 dB(A) may be described as being the equivalent to a quiet bedroom or a still night in the countryside away from traffic. Such levels of noise would not have a material impact on the amenity of local residents.

6.123 With regard to the tranquillity mapping described by the CPRE, the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil (Document GF/35). The noise assessment has demonstrated that the current levels of peace and quiet would be maintained and proposals for lighting the new building would minimise light pollution into the night sky.

6.124 The change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1 dB(A).

#### Issues 5 & 6: Conditions and Planning Obligations

6.125 The main contentious issue is the proposed condition requiring 80% of the feedstock for the MDIP to be sourced from the East of England region. It is disputed that this is either necessary or appropriate in terms of planning, policy or climate

change objectives. The MDIP would be the only one of its kind in the UK once Sittingbourne closes in 2011, and, regardless of the policy position in adjoining regions, it is undisputed that no other such facility will be available in the UK.

6.126 The MDIP could help to reduce the export of high grade waste paper; reduce the use of such waste paper for less sustainable paper products, and help avoid the greater use of virgin paper pulp. There is no sustainability or carbon emissions basis for suggesting that waste exports or pulp imports should be preferred to using the MDIP at the Site. In terms of climate change, it is agreed that the MDIP proposals would provide substantial CO<sub>2</sub> savings, based on an average 100km travel distance for the sourcing of waste paper rather than the sourcing area being restricted to the East of England Region. There are a large number of potential locations from which to source waste paper outside the East of England region which are comparable in distance from the application site as many of the settlements within the region. For example, within the East of England approximate distances are Bedford 103km; Norwich 118 km; Peterborough 138 km; Kings Lynn 150km; Hunstanton 171 km. To locations outside the region, approximate distances are Central London 90 km; Ashford 122km; Aylesbury 134km; Guildford 145km; and Northampton 155 km. This underlines the lack of rationale in selecting the region as the focus for the condition.

6.127 The only justification for sourcing waste from the East of England relates to the self-sufficiency argument. However, this is undermined by EEP Policy WM3, bearing in mind the uniqueness of the proposed plant. There is no justification for the proposed 80/20 split. It is unreasonable, and cannot be made reasonable by introducing a relaxation as suggested by ECC. Notwithstanding this, if an 80/20 split were considered to be necessary it would be preferable, more certain and proportionate to impose either a condition that the 80% portion should come from within a fixed distance (say 150km) or that it should be sourced from within the three neighbouring regions, namely the East, the South East and London. The additional ES information provided under Regulation 19 (Document CD/2/10) did not support an 80/20 criterion but stated (at paragraph 19.2.4) that the application was in conformity with EEP Policy WM3.

### Issue 7: Other Matters

#### *Listed buildings & the historic environment*

6.128 The SoS is required, in the course of deciding whether to grant planning permission for development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Listed Buildings Act 1990, Section 66(1)).

6.129 The application contemplates the refurbishment and re-use of Woodhouse Farm, the Bake House and the Water Pump, all of which are listed. All are in poor condition. Although specific schemes of work have not been advanced at this stage, ECC and the LCG do not dispute that their refurbishment and re-use would enhance their character. That conclusion is not undermined by criticism of the way the building has been allowed to deteriorate without beneficial use.

6.130 The poor state of the buildings is such that any sensible and meaningful repairs would require Listed Building Consent. The buildings require structural

repair. BDC has an opportunity to require repairs to be undertaken, but no proposals have been put forward by any party which would indicate what is possible or necessary to bring the buildings back into a suitable state of repair.

6.131 In relation to the setting of these Listed Buildings, it is noteworthy that WLP Policy W8A contemplates major waste development within their vicinity. WLP Schedule 1, WM1, requires that screening and landscaping of waste management development should have regard to preserving the setting of the listed buildings at Woodhouse Farm. Such measures are employed in the eRCF proposal. The only listed buildings referred to in the Schedule at WM1 are those at Woodhouse Farm. This is a realistic reflection of the potential impacts on Listed Buildings and their setting arising from development of the preferred site. The evidence has confirmed in particular that the proposed eRCF would have no impact on the setting of other Listed Buildings, including Allshot's and Sheepcotes Farms, because of the distance between them and the impact upon them of existing development. The proposed eRCF does not affect the setting of Listed Buildings farther afield.

6.132 Objectors do not suggest that there is any material difference between RCF and eRCF in terms of impact on the setting of these Listed Buildings, except for the impact of the stack. The car parking proposed need not harm their setting.

6.133 A degree of consensus emerged during the course of the inquiry concerning the quality and accuracy of the photographic evidence available to assist the decision-maker on this issue: a particular example being that at Document GF/5/B/16. The stack, whilst noticeable above the trees from within the vicinity of Woodhouse Farm, would amount to a modest part of the wider view.

6.134 Albeit limited weight attaches to draft PPS15, there was no dispute that the benefits of the proposed eRCF in terms of low carbon energy production and the extent to which the design has sought to contribute to the distinctive character of the area should weigh positively so far as impacts on listed buildings are concerned. The climate change issues found in draft PPS15 however are required to be considered by the PPS on Planning and Climate Change (Supplement to PPS1).

6.135 In summary, the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.

6.136 Turning to the setting of the Silver End Conservation Area, it is acknowledged that the edge of the Conservation Area, shown on the drawing at Document G/5/D/10, is well-screened by vegetation and trees. The proposed eRCF would preserve the character and appearance of that small part of the Conservation Area that flanks open countryside to the east.

#### *The historic airfield*

6.137 No aspect of the airfield use remains. All that remains are a number of items of infrastructure including some of the hard surfaced areas and some hangers. The airfield facilities themselves are not designated or protected in any way. The note at Document GF/32 indicates, the history of the airfield by B A Stait (1984) states that it has "no special claim to fame". There are no significant issues arising with regard to the heritage significance of the former airfield.

### *Minerals*

6.138 The siting of the eRCF below existing ground level is essential to reduce its visual impact and there is an overriding need to extract the sand and gravel on the site in accordance with Essex Mineral Local Plan First Review Policy MLP4. The eRCF accords with Structure Plan Policy MIN4 because the mineral resource would not be sterilised.

### *Perception of risk to health*

6.139 The Community Group simply highlights its concern on this matter. The potential additional pathways identified by FOE did not undermine the conclusions of the HHRA (Document GF/9/E). There was no challenge to the conclusion that the eRCF would pose negligible risk to human health.

### Overall Conclusion

6.140 The proposals are needed now to address a significant current waste management capacity need and to achieve climate change reductions in a manner consistent with current policy. The fact that the proposals would not meet all the needs of Essex in terms of waste capacity does not allow the luxury of time to allow the gradual development of policy, as some such as the FOE would prefer to see. The eRCF would make a strategic contribution to sustainable development.

## **SECTION 7 - THE CASE FOR ESSEX COUNTY COUNCIL**

7.1 The committee report to ECC's Development and Regulation Committee of 24 April 2009 (Document CD2/12A), is a reasoned document which explains the basis of the committee resolution to inform the SoS that the Council was minded to grant planning permission subject to a number of matters. ECC recognised that despite non-compliance with some policy, a whole raft of development plan and national policy guidance was supportive of the proposals. Moreover, when the physical impacts of the proposal were examined, it was judged that they had been minimised, and they would have no materially harmful effects. The officer's report acknowledged that it is necessary to facilitate the delivery of waste management sites in order to meet the demands of local and national planning policy, especially the objective of driving the management of waste up the waste hierarchy. This calls for a flexible approach to be adopted. The resolution to grant planning permission should carry significant weight in the planning balance.

7.2 The response of ECC's built environment department as part of the consultation process on the application on which the Local Councils Group (LCG) relies (Document LCG/8/2 Document JA1/4) was a preliminary response by the built environment department. The final response is one of "no objection", for reasons explained in the officer's report. The process shows careful and conscientious consideration of the proposals from the built environment team.

7.3 The statements of Lord Hanningfield, the Leader of the Council, to the effect that there would be no incinerator in Essex without a referendum are understood to

refer to mass burn incineration, which is not proposed here. In any event, this is not a planning matter. The proposal was and is to be assessed in accordance with planning policy.

Issues raised by the call-in and pre-inquiry note

7.4 ECC's case is set out in Document ECC/2 and the officer's report at Documents CD/12A and 12/B.

Issue (i) – the extent to which the proposal is in accord with the development plan

7.5 The proposal is seen as a departure from the development plan, firstly, because it extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1, and secondly, because it is in conflict with countryside policies of the BDLPR, namely Policies RLP27 and 78. ECC considers that the MDIP would be an industrial activity in the countryside. However, these are not significant departures from the development plan.

7.6 A large part of the area where the buildings are proposed is allocated for waste management facilities. The proposed buildings would extend beyond the allocated site, albeit to a limited extent. However, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan.

7.7 Moreover, the WLP allocation does not incorporate land for access and does not incorporate Woodhouse Farm. The former is a necessary part of any proposal and the proposals for the latter are clearly beneficial. The proposed lagoon is outside the allocated site area but is also present in the RCF proposal for which planning permission has been granted. The RCF permission establishes the principle of waste facilities extending beyond the allocated site. Seen in this context the departure is not a matter of significant weight. It is notable that the RCF facilities were supported at the strategic level by the regional planning body [Document CD3/2].

7.8 When considering the RCF proposal, it was reasoned that the allocation of 6ha was based on the area required for a typical mass burn incinerator facility, considered at that time to be about 2.5ha. At the time of the public inquiry into the WLP, the technologies of MBT and AD were not as fully developed as today, or the site area required to implement them appreciated. The current proposals seek to drive the treatment of waste further up the waste hierarchy than the RCF proposals by incorporating a CHP plant utilizing residues from the MBT to generate electricity for processing and treatment of waste, and to provide electricity to the National Grid. Although the building would be larger than recommended at the time of the WLP by the Inspector, the possibility of sinking a waste facility into the ground had not been envisaged. The guidance in the WLP on the size of buildings at the Rivenhall site is intended to address the visual impact of any such buildings. The substance of the policy has been met by the proposal to sink the buildings into the site, which would substantially reduce the bulk of the visible structures when viewed from outside the site. The principle of an incinerator and a chimney was not discounted by the Inspector at the WLP inquiry. (CD/9/1A page 109, para 37.19)

7.9 So far as the BDLPR countryside policies are concerned, the proposed MDIP would be located within the building envelope, a large part of which is within the

allocated waste site. It would not of itself add any impact to the proposal which would be different to the impacts that would arise from the 'core' waste facilities. Moreover, the distinction between waste development and industrial development is not clear cut. Waste management development could be seen as a subset of industrial activity, and again, this departure is not viewed as a matter of significant weight.

7.10 ECC's officers and committee did not reach a view as to whether the proposals comply with the development plan overall, as the proposal was considered to be a justifiable departure from certain discrete policies of the development plan. However, the officer's report identifies an extensive degree of policy compliance.

7.11 Need is a matter to be addressed under the development plan. WLP policy W8A indicates that waste management facilities will be permitted at the sites allocated in Schedule 1 subject to a number of criteria being met, including there being a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. It is common ground between the main parties that the question of need should be determined in the context of the RSS figures for Essex's apportionment. This approach is required by PPS10, and reinforced by the June 2009 report of the Regional Planning Body (Document CD5/2). Those figures demonstrate a clear need for the facilities so far as they provide for MSW and/or C&I waste. The proposals comply with the RSS (policies WM1 and WM4) so far as the question of need is concerned. It is also agreed that the assessment of need should not be based upon the emerging revised Regional figures.

7.12 There is a need for the facilities even if the analysis is based upon the more conservative figures set out in the report on waste arisings and existing treatment capacity prepared by ERM in 2007 on behalf of the WPA (Document CD 10/3). Since the capacity analysis in the ERM reports are not reliable, and are likely to be an overestimate, the actual level of need would be greater.

7.13 Although no party supports the use of the consultation figures for waste arisings issued by the regional planning body (Document CD 5/8), both the applicants and ECC agree that even on the basis of these figures, a clear need for the facility exists.

7.14 The JMWMS (Document CD 8/2) is not technically a planning policy, but it interacts with planning policy because it represents the agreed strategy of the waste collection authority and the disposal authority on how the waste needs of Essex are to be met. The JMWMS clearly supports the development of MBT and AD facilities, and facilities to create SRF and to burn it to produce energy. It expressly endorses the proximity principle for the purposes of managing residual waste, which would include SRF. Moreover, it aims "to deliver an innovative and resource efficient waste management system for the county". The JMWMS is therefore supportive of the proposals. There is no proposal for a CHP in the county apart from the eRCF.

7.15 The OBCs 2008 and 2009 are not planning policy but an outline business case for the purposes of obtaining central government funding for the disposal of MSW. The RCF only dropped out of the OBC after 2008 because the county did not control the site, and therefore it could not be used as the reference case for the OBC. In addition, inclusion of a CHP plant in the OBC would exclude competition, because the



only site currently being put forward with a proposal for such a facility is the application site at Rivenhall. The significance of the OBC is that it evidences ECC's need and desire for an operator and site to handle its MSW contract. The RCF and the eRCF would be able to bid for that contract and the additional competition they would introduce would be welcomed by the WDA. It demonstrates that the eRCF could meet the county's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. The facilities contained in the OBC would not be adequate to dispose of all of the county's MSW arisings.

7.16 There is therefore a need for the type of facility proposed in order to achieve the national waste objectives set out in PPS10 paragraphs 1 and 3 and Policy MW1 of the RSS, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the RSS. The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. In recovering paper pulp, the residues arising from the process would also be used as a fuel in the CHP, removing the need for offsite disposal and the potential for such material to be sent to landfill. The need for specialized waste facilities serving more than the local area is recognized in RSS policy MW3.

7.17 With regard to the need for the MDIP facility, the applicants have been open about the difficulties currently faced in sourcing sorted paper and card of the required quality from within the region. However, the provision of the facility is likely to stimulate greater recovery of paper waste from existing waste. It cannot be argued that there is no need for the MDIP given that it would be the only facility of its kind in the country and the material to feed it undoubtedly exists. RSS policy WM3 supports such specialist facilities and acknowledges that some compromise to the proximity principle may be appropriate in such cases. There is a balance to be struck between self-sufficiency and the proximity principle on the one hand, and the operator's need for commercial security on the other. This underlies ECC's structured approach to a condition relating to paper and card waste from outside the region (See paragraph 7.41 below).

7.18 In summary, most of the policies in the development plan are complied with, and to the extent they are not, the non-compliance is justified. In particular, the evidence demonstrates that there is a need for the facilities, and the application site is an appropriate location to accommodate that need.

*Issue (ii): the quality of design and effect on the character of the area (including CD 8/9, Designing Waste Facilities (Defra, 2008)).*

7.19 The proposal has been designed to reflect the site's history as an airfield. The 2 arched roof main buildings would reflect the design of a hangar, with green roofs to minimise their visual impact and provide potential habitat to replace some that would be lost as a result of the development. The proposal has been designed aesthetically rather than functionally. It reflects a previous use of the site to which the community attaches some significance and which is regarded as an acceptable and

proud part of its history. CAFE supported the design of the RCF proposal which has much in common with the eRCF.

7.20 Other aspects of good design include:

- (i) The sinking of the plant within the ground to reduce its visual impact. Such an approach would also reduce the visual impact of the access and enable the proposal to employ the minimal use of bunding and screen planting.
- (ii) The positioning and reflective finish of the stack so as to mitigate its visual impact.
- (iii) Minimal use of lighting on and around the plant.
- (iv) Measures to reduce the operational impacts, such as negative pressure within the building.
- (v) Extensive landscape mitigation and additional tree planting.
- (vi) Co-location of the SRF producing facilities with the CHP and MDIP plant.
- (vii) Taking the opportunity to refurbish and re-use the currently run down listed Woodhouse Farm.

7.21 The Defra guidance 'Designing Waste Facilities' (Document CD/8/9) acknowledges that getting waste facilities to "fit in" with the existing fabric is often inappropriate or impossible because of the scale of buildings involved. This should not be read as advising against buildings that do not fit in with their context. Rather, it is an acknowledgement that it would be inappropriate and unrealistic to judge the success of a design by reference to whether it fits in or not. Design of waste facilities need to be judged flexibly, recognising the inevitable limitations which their function places upon their design. The guidance also supports the use of imaginative solutions to minimise the impact of stacks, and advises that careful consideration be given to whether 'hiding' a new building is really appropriate, pointing out that "new buildings should not automatically be seen as a negative".

7.22 The proposal does 'fit in' with its setting. The main buildings and the stack have been thoughtfully designed to respect their context and minimise their impact. The main point of concern of objectors is the stack. It is impossible to hide the stack, but this need not be seen as a negative feature in the landscape. In any event, if it is accepted that there is a need for the eRCF then the stack is inevitable. In this case its impact has been minimised.

7.23 It is considered that there is an opportunity to enhance the sense of arrival at the facility by requiring details of materials and colours to be controlled by condition and by providing public art on the front of the building. The impact of the proposal could be further controlled by means of a legal obligation to maintain planting and provide additional planting adjacent to the southern boundary of the site as soon as possible after the issue of any planning permission.

7.24 Overall the scheme is of good design and would not have an adverse effect on the character of the area.

*Issue (iii): The extent to which the proposal is consistent with PPS7*

7.25 The site is not located within an area of particularly sensitive countryside and there are commercial and mineral developments in operation nearby. The site itself has features of previously developed land, being the site of the former airfield. The

principle of a waste management facility in this location served from the A120 is enshrined in the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, indeed WLP policy W7G expressly contemplates that such development may be acceptable. The RCF permission is a weighty material consideration so far as the acceptability of the size of the development and its impacts on the countryside are concerned, as it represents a fall-back position.

7.26 One of the main concerns so far as countryside impact is concerned is the effect of the stack. Its impact has been minimised through its location and design. The proposed height is understood to be the minimum necessary to comply with relevant emissions standards and the width allows a number of chimneys to be accommodated within the single stack.

7.27 The relationship of the MDIP facility with countryside policy is addressed above at paragraph 7.9. Its co-location with waste facilities maximizes the efficient use of energy. Moreover, the access to the site directly off the A120 is a requirement of the WLP, with respect to preferred site WM1. Moreover, the facility would be located centrally in terms of its ability to serve Essex.

7.28 The development would provide some enhancement of the countryside. Although about 1.6ha of woodland would be lost, some subject to TPOs, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerow. About 19.1ha of open habitats would be lost, although the proposal includes the long term management of both existing and new areas of habitat, including the green roofs of the proposed main buildings. The proposal also includes the management of existing and proposed water bodies to enhance bio-diversity, together with mitigation measures with respect to various species, some of which are protected.

7.29 There would be a loss of some 12ha of best and most versatile agricultural land. Although the loss of such land should be avoided, the emphasis in the last 5 years has moved to soil resource protection. It is noteworthy that Natural England did not object to the proposal. Soils stripped from agricultural areas would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry.

7.30 The refurbishment of the derelict listed buildings at Woodhouse Farm, bringing them back into beneficial afteruse, would be an enhancement of the countryside. Overall, it is concluded that there would be no conflict with the objectives of PPS7.

*Issue (iv): The extent to which the proposal is consistent with PPS10*

7.31 The proposals comply with the objectives set out in paragraph 3 of PPS10. The development would support sustainable waste management by providing a facility which would enable waste to be treated at a higher level of the waste hierarchy. The AD would create compost suitable for use in agriculture together with biogas for use in electricity generation. Methane generated by landfilling would be reduced. The MRF would ensure the recovery of recyclables. The MBT would shred and dry waste to allow recovery of recyclables in the MRF and produce SRF for the CHP. In turn the CHP would reduce the need for landfilling of residuals from the MBT as well as providing a facility to use other SRF produced in Essex. The CHP would also deal with residues for the MDIP facility.

7.32 With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The facility would meet the third objective by pushing waste up the waste hierarchy and helping to achieve national and regional recycling targets.

7.33 The application was supported by an EIA which included an assessment of the impact on health and the environment. It was subject to consultation with the EA, Natural England and the Primary Care Trust, all of whom raised no objection to the proposal. Subject to appropriate conditions and obligations, the impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment.

7.34 The application was subject to full consultation with the public and consultees. The proposed technologies are in line with those identified in the JMWMS, such that if planning permission were granted the facility could compete for MSW contracts within Essex. The development would maximize the efficient use of energy generated at the site, by co-locating the MDIP with the CHP plant and thereby providing potential to achieve wide environmental benefits. This has in part given weight to the justification for a departure from development plan policies in terms of the site's location in the countryside.

7.35 The integrated nature of the proposal minimises the need for the export of residuals, including on-site use of SRF and paper pulp residues in the CHP plant. The proposals also include the on-site collection, recirculation and treatment of water, minimising the need for fresh water and for off-site treatment of dirty water. The design and layout supports a sustainable form of waste management.

7.36 The eRCF can meet the need to treat both MSW and C&I waste arisings, consistently with PPS10 paragraph 8. The need case supporting the proposal does not rely on "spurious precision" in relation to estimated waste arisings, as deprecated by paragraph 10 of the PPS. The need case is clear and comfortably met. It is based on the RSS and advice from the regional planning body.

7.37 The WLP identifies much of the application site for waste management facilities, without any restriction being placed on the type of facility in question. To that extent the WLP is consistent with the role of development plans as described in paragraphs 17 to 19 of PPS10.

7.38 The proposals meet the guidance in paragraph 24 of PPS10 relating to development on unallocated sites and there is no evidence that the proposals would prejudice the movement of waste up the waste hierarchy. In this respect the proposal is in accord with paragraph 25 of the guidance.

7.39 Although the MDIP facility may not be justifiable on the basis of need to process sorted paper waste arising entirely within the region, the underlying aims of sustainable development are met by this unique facility.

7.40 The CHP in particular would assist in reducing the amount of residual waste that needs to be consigned to landfill, and would generate useful energy from waste, consistently with the aim of using resources prudently and using waste as a source of

energy. For all the above reasons, the proposal is consistent with the objectives of PPS10.

Issue (v): Conditions

7.41 The suggested conditions that should be applied in the event of planning permission being granted are set out at Document ECC/7. The only condition which is contentious between ECC and the applicants is the condition relating to the proportion of imports to feed the MDIP facility. This condition is necessary to ensure that the applicants have an incentive to seek feed stock from within the region, and that an initial inability to do so does not result in a total abandonment of the proximity and self sufficiency principles for the future.

Issue (vi): Section 106 Obligations

7.42 Planning permission should be subject to a 106 agreement in the form submitted. Attention is drawn to the proposal for a community liaison group.

Issue (vii): Listed Buildings (Woodhouse Farm)

7.43 Woodhouse Farm is listed as a building at risk. It is in urgent need of care yet there is no proposal or prospect of any care being given to it apart from the eRCF or RCF proposals. Witnesses for the Local Councils Group and the Community Group accept that in principle the proposed refurbishment and re-use of the Farmhouse is a benefit. The form, specification and merits of any listed building application would be assessed by Braintree DC as the local planning authority. The quality of the restoration is therefore in that objector's hands.

7.44 The main issue of concern to objectors appears to be the effect of the chimney on the setting of the listed buildings. However, the chimney would only be seen in certain views and would be some distance away from the building. Overall the setting of the listed building would not be adversely affected. Notwithstanding this, the much needed refurbishment of the fabric of the listed building that would be brought about by the proposals would outweigh any harm to its setting.

7.45 The choice is between further decay of the listed building, or restoring it and bringing it back into active and beneficial use, when it would be seen and enjoyed by members of the public visiting the site. The effect on the listed building is therefore positive overall.

7.46 Objectors also refer to the impact on the Silver End Conservation Area, but this is so far away from the site that it would not be harmed by the scheme.

Issue (viii): The fall-back position

7.47 The RCF is relevant in two main ways. Firstly, as a fall-back and, secondly, as a recent planning permission for similar development on an identical site. The fall-back position was not taken into account in ECC's consideration of the scheme. No assumptions were made as to whether the RCF would proceed if the eRCF were refused permission. However, the second of the two factors was taken into account by comparing the merits of the eRCF to those of the RCF.

7.48 The RCF would not be an unacceptably harmful development. It is supported by current planning policy and justified on its merits. Moreover, it is consistent with and would further the aims of the JMWMS. There is no reason to doubt the applicants' evidence that it would implement the RCF if the eRCF were refused permission, particularly given the position on need. The RCF therefore represents a fall-back position for the site against which the eRCF falls to be considered.

7.49 It is also relevant as a recent planning decision for similar, though not identical, development having similar environmental impacts, covering a similar site, and which had been assessed in the same policy framework as the eRCF. The RCF sets a benchmark against which the differences between the RCF and eRCF should be assessed. The RCF permission demonstrates the acceptance of the principle of built waste management facilities on a site extending beyond the boundaries of the WM1 allocation, which was supported at the regional level (Document CD 3/2). It also demonstrates an acceptance of the visual and other environmental impacts, including traffic impacts that would be introduced by the RCF. The real difference between the two proposals is the chimney stack.

7.50 Objectors have concerns about reliability of the applicants' 404 HGV movement cap, and have sought to cast doubt upon the relevance of the RCF as a fall-back so far as traffic movements are concerned. The applicants indicate that they could control HGVs entering the site by contractual means. The proposed condition limiting the site to 404 HGV movements is clear, precise and enforceable. It also provides an incentive to the applicants to ensure that vehicle movements are used efficiently. It supports sustainable transport objectives. In contrast, the RCF permission contains no condition expressly setting a movement cap. The 404 HGV movements cap would therefore be a benefit.

#### Issue (ix): Flexibility

7.51 Draft condition 19 would allow some control over the detailed configuration and layout of the plant.

## **SECTION 8 - THE CASE FOR THE LOCAL COUNCILS GROUP**

### The need for the facility

8.1 For policy reasons the applicants must demonstrate need. However, even if need is demonstrated, it has to be weighed against harm that may arise, for example, the harm that would be caused to the countryside. The application proposes an IWMF that is too large to be accommodated on the preferred site in the WLP, and its capacity would be far greater than the perceived need.

8.2 There are two/three aspects of need to examine, namely that relating to MSW/C&I waste and to the paper pulp facility. The position in respect of MSW is by and large clear. ECC as WDA are satisfied as is evidenced by their OBC 2009 (CD/8/6) that a single MBT plant at Basildon will give them sufficient capacity to deal with likely MSW arisings. There is therefore no "primary" need for this facility to deal with MSW. The only advantage of the application proposal is that it would create more competition and provide a "home" for SRF arising from Basildon. These aspects might perhaps be considered as secondary or ancillary need.

8.3 However, very little weight should be given to these two points. ECC can and will ensure competition by allowing all potential operators to have access to the Basildon site on equal terms. Furthermore ECC are comfortable in not determining at this point in time the destiny of the SRF arisings. Although, at present, there is no other facility in Essex for securing energy from the SRF, ECC's strategy is to deal with that in due course. The JMWMS (CD/8/2) indicates that ECC will deal with it as far as it would be consistent with the proximity principle. Rivenhall may not be the most suitable location having regard to such principle. Moreover, SRF is a valuable fuel and there can be no doubt that there is a developing market for it. Other sites such as Sandon may come forward.

8.4 As regards C&I waste, it is acknowledged that the needs argument of the applicants are more persuasive. However, even on the 2007 analysis, the case for an MBT dealing with C&I waste is marginal, under the "best case" scenario put forward in the 'Waste Arisings, Capacity and Future Requirements Study: Final Report (February 2007)' as described in Document LC/1/A. The best case scenario assumes 0% growth in waste production, C&I waste generation remaining at 2002/3 levels. In contrast the worst case scenario does not reflect the current downturn, nor does it consider the overall thrust of current waste management policy. It represents a maximum level of C&I waste growth, assuming the economy continues to grow and no waste reduction measures are implemented.

8.5 One MBT facility may be justified, but this could be met by the ECC resolution to grant permission for development at Stanway. The 2009 analysis, adjusted, shows the same result, namely that there is "headroom" or overcapacity taking both MSW and C&I waste into account.

8.6 The current adopted RSS policies are based on anticipated levels of waste arisings which are simply not occurring at present. The actual arisings are significantly lower than estimated and the emerging regional studies suggest quite strongly that general C&I waste arisings are unlikely to increase significantly above present volumes in future. This has prompted a review of policy which is continuing with discussions with the individual WPAs. ECC acknowledges the need to take account of the EERA findings, in progressing work on the Waste Core Strategy. Caution should therefore be applied when giving weight to any need based on clearly outdated estimates.

8.7 With regard to the proposed MDIP, it has been estimated by Urban Mines that 437,000 tonnes of paper and card are currently recovered in the East of England for recycling (P72-CD/10/1). This figure is not disputed. Moreover, at best, only about 36% of this recovered paper would be of a suitable quality for the MDIP proposed i.e. 157,000 tpa. This is significantly (203,000 tpa) less than the required input and the recovered paper is already being used in other processing facilities. Even this figure is too high and only around 18-20% of recovered paper is within the essential uncoated wood free grades. The applicants therefore have to rely on their view that additional resources can be obtained by improving the rate of recovery of paper consumed in the East of England, by obtaining paper passing through the region for export and from the supply to an existing MDIP at Sittingbourne which is to close, but which sources most of its material from outside the East of England. The applicants are being over optimistic in this regard.

8.8 It is not disputed that potentially higher volumes of paper consumed in the East of England could be recovered for recycling, although there is no certainty as to the additional percentage which could be recovered. This is recognised in the report entitled 'Market De-inked Pulp Facility - Pre Feasibility Study' (CD/10/2) published by The Waste and Resources Action Programme (WRAP) in January 2005. This notes that previous research has shown that in the office sector there is an irretrievable loss of around 15% of all office paper. Moreover, it would be uneconomic to collect a proportion of fibre, particularly from small businesses employing up to 10 people, and some fibre is already used by mills with integrated facilities. It must also be borne in mind that planned and incremental increases in the paper industry will result in competition for recovered paper feedstock.

8.9 Potential feedstock of waste paper can be "lost" because it may be too contaminated and because of difficulties in collection and sorting. These factors must be viewed against a background where only a small proportion (36%) of recovered paper is likely to be suitable for the proposed MDIP facility. The applicants' approach appears to be over ambitious.

8.10 Similarly, there is uncertainty as to the paper which can be "diverted" from export. In policy terms, it is questionable whether waste paper arisings which have occurred in other parts of the country should be attracted to Rivenhall having regard to the proximity principle and communities taking responsibility for their own waste.

8.11 With regard to the existing MDIP facility at Sittingbourne, it is recognised that this is scheduled to close in 2011. However, there is no firm evidence to show that its current input would be available to Rivenhall. Furthermore, there is likely to be a three year gap between Sittingbourne closing and Rivenhall becoming operational. The current supply would almost certainly be attracted to other markets. The demands of the tissue making market could well intervene. Feedstock would have to be obtained from the market and the applicants rely heavily upon their ability to offer competitive prices. Their assertion to be able to do so is largely unproven. A full viability appraisal has not been produced.

8.12 In conclusion, there is significant doubt as to whether there is a realistic or adequate supply available within the East of England and if this scheme were permitted it is likely that a significant proportion of the paper would be attracted from outside of the region which would not of itself be desirable. This is demonstrated in the applicants' wish to amend or remove the original terms of suggested Condition 27 (now renumbered as Condition 30).

8.13 There are no free standing MDIP facilities in the UK and for efficiency and market reasons, it is much more likely, as indicated in the WRAP study (Page 143 Document CD/10/2), that these would be built as part of integrated paper mills. Historically, MDIP mills have been difficult to justify on economic grounds. It is cheaper for a paper mill to utilise de-inked pulp that has been produced on site in an integrated process. This avoids additional processing costs, such as drying prior to transportation.

8.14 The overall need for the IWMF has not been fully demonstrated, and insofar that any need has been demonstrated, the weight to be applied is not significant.



Landscape/visual impact

8.15 The site lies within open countryside in an area that is regarded as tranquil. Even the applicants' landscape witness accepts a description of "relatively tranquil". Generally the site forms part of a high open plateau from where and across which there are distant views. It is not accepted that the remnants of the World War II airfield, existing industrial uses, and the existence of gravel workings has "despoiled" the area to the extent suggested by the applicants. Although there are a number of businesses in the locality, such as those using former agricultural buildings at Allshot's Farm, these businesses are well established and are generally contained within defensible curtilages and do not impose themselves on the countryside to an extent that they detract from its open and rural character .

8.16 The Landscape Character Assessment undertaken by Chris Blandford Associates (Doc GF/5/B/4) describes the area away from the main roads and the sand and gravel pit as tranquil. It also indicates that the character of the area has a moderate to high sensitivity to change. Clearly there is some doubt as to whether the site could accommodate the proposed development without significant consequence.

8.17 The proposed building and other structures would have a footprint of more than 6 ha, and the development would result in the remodelling of an even greater area together with the loss of 1.7 hectares of semi-mature woodland and other associated engineering works. It is a major development.

8.18 There is a well used network of footpaths in the vicinity of the application site and the development would have a significant impact in particular on users of footpaths 8 and 35. For example, walkers on footpath 8, apart from seeing the stack would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in winter. Moreover as walkers passed the listed buildings at Woodhouse Farm, the backdrop would be dominated by the stack. Although a hedge would partially screen views, walkers on footpath 35 would on occasions be able to see the front of the building, which would be some 200m wide and 20m in height.

8.19 The proposed development would have a detrimental impact on the setting of the listed buildings at Woodhouse Farm. The proposed stack would tower over Woodhouse Farm, and its impact would be even greater if the EA require an even taller stack. The development would be visible over the tops of existing trees. The development would also be visible from Silver End and detrimental to the setting of the village.

8.20 Away from the site, views of the building, much less the stack, would be possible, as demonstrated in the montages at locations 2 and 5, namely Sheepcotes Lane and Cuthedge Lane, in Document GF/5/B/11. It is clear from these montages that the building would be visible at both locations even at year 15. Moreover, these montages should be interpreted with caution, many, for example, do not show the correct proportions of the proposed stack. The stack is considerably wider than shown on many of the montages. Moreover, the rate of growth of new vegetation is unlikely to be as rapid as anticipated in the montages. For example, the applicants accept that to effectively replace some of the lost woodland would take around 40 years.

8.21 The montages at location 6, (Drwgs 8.7.11 and 12 in Doc GF/5/B/11), taken from Holfield Grange to the north of the A120, more than 3 kilometres from the site, show that the stack and the front of the building would be visible for significant distances. Drawing number GF/5/D/9 shows the stack potentially having an impact over a very large area.

8.22 Document CD/16/3 sets out the LCG's view that the applicants have not adopted a realistic approach to optimising the stack height. It is likely that a stack significantly taller than 35m in height would be required with consequential increased visual impact. The applicants should have engaged in a dialogue with the EA prior to the inquiry in order to establish the likely range of the required stack height. Planning permission should not be granted with such significant uncertainty remaining over the stack height. A further application to ECC for an increase stack height would not meet the requirements for certainty and good planning as set out in national guidance.

8.23 The Defra Guidance entitled 'Designing Waste Facilities – a guide to modern design in waste' (Document CD/8/9) recognises at page 70 that the siting of a large building in the countryside is generally contrary to the principles of planning set out in PPS1 and other national guidance. It also warns about seeking to hide buildings with unnatural earth bunds. More importantly it indicates that the scale of buildings can present considerable challenges which make "fitting in" with the existing fabric often inappropriate or impossible. This is one of those cases. The proposal is not compliant with PPS 7 or policy 78 of the BDLPR.

8.24 It has long been a major element of national policy that the countryside should be protected for its own sake. Moreover, generally speaking significant developments in the countryside fly in the face of policies on sustainability. Substantial weight should be given to the adverse impact this proposal would have on the countryside together, obviously, with the associated breaches of current countryside policy.

8.25 It is acknowledged that part of the application site is allocated for a waste management facility. However, in accepting this as a preferred site in a countryside location, the Inspector who held the Inquiry into the WLP, recommended that the site be reduced in size from that originally put forward and made a specific recommendation as to the size of any building associated with a waste management facility. Moreover, the eRCF differs from the RCF. The excavated hollow would be greater; the extent and height of the buildings would be greater (the building footprint would be 17% larger); the space for the buildings would be cut more squarely into the landscape and involve the loss of more woodland; and a substantial stack would be built. There is no specific support from EERA for either the stack or the paper pulp facility, nor any view given by CABE on this scheme.

8.26 The eRCF involves the loss of a greater depth of woodland than the RCF. Moreover, the stress caused to existing vegetation, by coppicing and the dewatering of soils that would occur, could result in further loss of vegetation.

8.27 In summary, the proposal would have a detrimental visual effect and be harmful to the landscape of the area.

Traffic Generation/Highways

8.28 The applicants maintain that HGV movement would be restricted to 404 per day, requiring an average payload of 23 tonnes per load. They acknowledge that this can only occur if virtually all of the waste comes via a waste transfer station (WTS) and has undergone some form of compaction. Such an approach does not stand up to scrutiny.

8.29 The applicants concede that the necessary network of WTSs does not presently exist. Moreover, the letters submitted from hauliers (GF/2/B Tab 15) do not convincingly demonstrate that average payloads of 23 tonnes can be achieved. Not all vehicles making deliveries to the site would be under the direct control of either the applicants or the waste operator. As the facility would operate in the open market, it would be unrealistic for the operator to insist that only full loads (23 tonnes) be delivered to the site. In addition there is no convincing evidence that a backload system could operate.

8.30 If the RCF was expected to generate 404 HGV movements in carrying 906,000 tpa, it is illogical to expect the eRCF to generate the same number of HGV movements when dealing with 40% more, namely 1,272,075 tpa. Either the traffic generated by the RCF was over estimated or that of the eRCF was under estimated. There can be no doubt that the eRCF would generate more traffic than the RCF. Using RCF payloads, the eRCF would be likely to generate about 548 HGV movements (Doc LC/3/A). If the EA's conversion factors for analysing waste and calculating volumes were used, the payloads of vehicles would be significantly lower than those used in the assessments by the applicants (Document LC/1/A). Traffic generation should be assessed on a realistic but worse case scenario. It is likely to be about 37% higher than that suggested by the applicants.

8.31 The Highways Agency only accepted that the eRCF would not have an adverse impact on the trunk road network on the basis that there would be no additional trips generated by the eRCF when compared with the RCF (Documents GF/10/B/6 and7). It is not known what approach the Highways Agency would have taken if it had been advised that the likely HGV movements generated would be greater than predicted.

8.32 The sole access for the proposal is onto the existing A120. This is a road which is currently operating well beyond its economic, design and practical capacity. This results in flow breakdown, reduced average speeds and extensive queuing, and there is no prospect of the A120 being improved in the near future. As a general guide, Annex D of TA46/97 indicates that the Congestion Reference Flow for a single 7.3m trunk road is 22,000 vehicles per day. The Annual Average Daily Traffic Flow for the A120 Coggeshall Road in 2008 was 24,144, demonstrating that the road has no spare capacity, resulting in congestion during the peak periods (Document LC/3/A).

8.33 An additional 404 HGV movements a day would result in a 30% increase of such traffic on the A120. If the likely traffic generation is greater, then the percentage increase would be even higher. This additional traffic would further reduce road safety. The applicants argue that the road would accommodate the additional traffic as the increase would be relatively small. Although the A120 may be able to accommodate the additional traffic it would be at the expense of further congestion. It cannot be right to simply allow more and more traffic onto this road.

8.34 When dealing with other development proposals in the area, ECC has sought to ensure that additional traffic is not generated on this road. Moreover there is no doubt that local residents are inconvenienced by existing traffic levels on the A120 (Document LC/4/A). There must be a point where potential traffic generation dictates that development should not be permitted. Policy T6 of the East of England Plan refers to the economic importance of the strategic road network to the region. The policy seeks to improve journey reliability by tackling congestion; to improve the safety and efficiency of the network; and to mitigate the environmental impacts of traffic. If permitted, the eRCF proposal would exacerbate the current difficulties.

8.35 The access road to the site crosses two country roads, Church Road and Ash Lane. Many HGVs merely slow at these junctions rather than stop. There have been accidents at these junctions in the past. The proposed trebling of HGV traffic on the access road would increase the risk of accidents at these junctions. The additional traffic passing through the Upper Blackwater Special Landscape Area would be detrimental to the rural character and peaceful nature of the countryside.

8.36 In relation to other highway matters, it must be recognised that the application site is remote. The proposal would not be readily accessed by public transport, walking and cycling. It would not reduce the need to travel by car. In this respect it is not PPG13 compliant. This, and the fact that the proposal does not comply with PPS7 should be given significant weight and militate against the scheme. The proposal is not a use which must occur in a countryside location. An urban area or fringe location with good access to the main road network would be more suitable and appropriate.

8.37 There is also concern that HGVs associated with the development would use local roads to the detriment of highway safety and the free flow of traffic on such routes. The waste operator would not have full control over all vehicles visiting the premises. They would not be contracted directly to the operator. This is evident from the Section 106 Agreement. Moreover this is a facility that would “welcome” substantial amounts of waste for recycling and treatment. Paper collectors, for example, may wish to visit at the conclusion of their rounds. The operator would have relatively little control of many vehicles visiting the site and would be able to do little more than politely request third parties to use the appropriate roads to access the site. Whilst the Section 106 Agreement provides for third party drivers to be disciplined, it would be difficult to enforce the routing requirements particularly when the policing would have to be undertaken by the public who would not necessarily be aware that a particular vehicle should not be on a particular road.

### Other Matters

#### *Ecology*

8.38 When considering the ecological impact of the proposal, the applicants' evidence at Document GF/8/B/1 indicates that in five respects a negative impact would be certain. This leads to a requirement to judge the likely success of the mitigation measures. Paragraphs 5.4 and 5.5 of the 'Guidelines for Ecological Impact Assessment in the United Kingdom' (Document GF/8/B/2) refer to the potential uncertainty of mitigation measures and arguably give a warning that there can be no guarantee in respect of such matters. The applicants have given no categorical

assurances that the proposed mitigation/compensation measures would be totally effective. Local residents are concerned about the potential impact of the proposal as a result of factors such as light and noise pollution, and traffic generation, and the difficulty of ensuring that mitigation/compensation measures would be successful. There will always be some risks associated with such a large scale development. Moreover, the applicants accept that it would take many years to replace the lost woodland.

### *Noise*

8.39 Noise levels in the locality are at present very low. The principle sources of noise appear to be agricultural vehicles, the quarry and distant traffic noise as indicated for example in paragraph 12.3.3 of the ES (Document CD2/7/12). It is especially quiet at night, when noise is almost undetectable. Any quarry noise is of a temporary nature and is necessitated by the fact that the development has to occur where the gravel exists. By contrast a countryside location for this development is not essential.

8.40 At certain times the overall noise climate is likely to increase. For example, Table 12-3 of Document CD2/7/12 indicates that a background noise survey gave readings of 29-43 dBL<sub>A90</sub> during the day at Herons Farm. In contrast, paragraph 40 of Document GF/2/D/1 indicates that worst case noise levels at receptor locations during construction could be between 44dB(A) and 52db(A). There are also concerns about noise being contained within the building, given the size of the door openings and the number of vehicles visiting each day. The noise limits set out in the suggested planning conditions are indicative of the increase in noise levels that would be likely to occur.

### *Air quality*

8.41 Whilst air quality may remain within legal limits it would nevertheless deteriorate. This is unwelcome. Moreover, in response to the formal consultation on the application the EA advised that the proposal in respect of the stack did not appear to represent Best Available Technology. Design changes have been undertaken since that time, but there is no observation from EA on this amended proposal. The EA points out that it is not enough to demonstrate that the EALs would not be breached. There is a statutory requirement to ensure that air quality is not significantly worsened. This raises concerns about the approach adopted by the applicants who have concentrated on compliance with EALs whilst not addressing the issue of actual air quality. EC Directive 2008/50/EC (due to be implemented in 2010) states that 'air quality status should be maintained where it is already good, or improved'. The eRCF would result in a deterioration in local air quality. The EA points out that NO<sub>2</sub> and CO<sub>2</sub> would increase, resulting in a significant worsening of air quality.

8.42 In Document CD/15/7, the EA indicates that the long term annual mean ( $\mu\text{g}/\text{m}^3$ ) for arsenic set out in the latest version of H1, which is presently out for consultation, will be 0.003. This is half the figure used by the applicants, and if the revised figure were used the level of arsenic would be equalled or exceeded at no less than 23 locations. The peak concentration at Footpath 35 of 0.0068 would be 127% above the proposed new figure.

8.43 It is recognised that an EP application could not be made until there was a known identifiable operator. However, given the concerns of the local residents it is unfortunate that greater dialogue with the EA has not taken place in order to allay the fears of the local community. These fears cannot be totally dismissed. They are genuinely held and reasonably so. The extract from the Encyclopaedia of Planning Law at Document GF/3/B/3 indicates, in these circumstances, that some weight should be given to the fears and concerns of the local community. In this regard, it is unfortunate that the applicants have declined to monitor air quality at the boundaries of the site.

### *Lighting*

8.44 The proposal is at a location where at present there is little or no artificial light at night. The scheme would change this situation. The extent of change is unknown as full details of the proposal and its lighting are unknown. However, the facility would operate 24 hours per day, 7 days a week. Staff would be present at all times. The applicants accept that in the morning, between 07:00 hours and daylight, and again in the early evening, between dusk and 18:30 hours, lighting would be essential. The facility would be open for business during these hours receiving waste etc. Outside of these hours, it is suggested that external lighting would only be used when necessary and that such lighting could be controlled by movement sensors. It is doubtful whether such an approach is realistic.

8.45 Light pollution is another factor whereby the development would have a detrimental impact on the area, the extent of which is unknown. As indicated at CD/16/4, the precise form of lighting that would be installed at the site is uncertain; the lighting schedule put forward by the applicants is subject to change. Notwithstanding this, it is essential that the proposal to provide full cut-off lighting at zero tilt, with an average lighting level of no more than 5 lux is adhered to. The site is known locally for its 'dark skies', affording views of the starry night sky. Such locations are becoming increasingly rare in Essex.

8.46 The proposed lighting schedule for Woodhouse Farm car park gives two options. The option with 8m lighting columns is the 'least worse' solution. It would provide more uniformity of light, and lower peak measurements than the option using lighting bollards which would give rise to substantial levels of sideways light emission. The whole site, including the Woodhouse Farm car park, should be designated as being an area classed as E1 under the Institute of Lighting Engineers Guidance Notes, namely the most sensitive, with the most control needed. The whole of the site is currently in a dark unlit location.

8.47 Proposed Design 2 for the lighting of the main plant area is preferable. This requires fewer lights and would result in a lower average and peak level of lighting. Notwithstanding this, there would be some reflection of light contributing to light pollution, and during misty conditions light would scatter within droplets of water in the air.

### *Overall conclusion on other matters*

8.48 Although the effects on ecology, the consequences of noise, the reduction in air quality and the likely effect of lighting are all matters which may not individually justify refusing this application, they would cause harm to the area. When combined

with the landscape and visual impacts of the development, they would have a significant adverse impact on the character of the area and the living conditions of local residents.

### The Fallback position

8.49 It is acknowledged that the existing planning permission for the RCF is a material consideration. However, little weight should be given to it, because there is no convincing evidence that it would be implemented. ECC resolved to approve the application in 2007 but it was not until 2009 that the requisite Section 106 Agreement was completed. Following the resolution to approve the scheme, the applicants wrote to ECC describing the RCF as an “indicative” scheme (Document LC/8/B/7).

8.50 At paragraph 4.4 of the Planning Application Support Statement for the present proposal (Document CD2/4), the applicants rightly advise that the RCF no longer represents the most suitable technology having regard to the JMWMS. The applicants accept that an amendment to the RCF planning permission would be likely before its implementation and point out that they have been waiting, along with others in the industry, for ECC to award a long term contract for MSW. Moreover, there is no evidence of detailed marketing or negotiations with a waste operator – the letters produced by the applicants show no more than a general intention. In addition there is no evidence demonstrating the viability of the RCF for C&I waste only.

8.51 To date, no real steps have been taken to implement the RCF permission. The applicants would not operate the RCF but would look for a partner waste organisation. It is not evident that a partner has yet been identified, let alone terms agreed with one.

### Policy Implications

#### *The Development Plan*

8.52 The three most relevant components of the Development Plan (DP) are the Southend & Essex Waste Local Plan (WLP), the East of England Plan (EEP) and the Braintree and District local Plan Review (BDLPR). All contain relevant policies.

8.53 The WLP whilst adopted in 2001 is still broadly consistent with the subsequent PPS10. It adopts, for example, the waste hierarchy (see Policy W3A) and identifies certain sites for waste management facilities. The WLP proposes a site specific approach which is promoted in PPS10. The WLP should be given significant weight. The application site was specifically considered in the preparation of the WLP and whilst identified as a preferred site, limitations on both the size of the site and the extent of building coverage were imposed. This proposal is not restricted to the allocated site and the building footprint greatly exceeds that approved. Moreover, a paper pulp facility was not envisaged by the WLP at all. The proposal does not therefore accord with the WLP.

8.54 Notwithstanding this, the WLP was developed at time when WPAs were less confident about the community’s ability to achieve and sustain high levels of recycling and composting. There have been considerable improvements in recycling and composting performance since then. The WLP was cautious in its approach,

seeking to ensure that it delivered a sufficient number of sites that could accommodate the larger waste management facilities that were expected. The eRCF proposals involve a building whose footprint alone exceeds the size of the allocated site.

8.55 There are also clear breaches of the BDLPR with regard to policies 27, 78 and 88. These relate to the location of employment, protection of the countryside, and loss of best and most versatile agricultural land. The application site includes over 11ha of Grade 3a agricultural land which would be lost as a consequence of the proposal. These breaches all militate against this proposal.

8.56 The EEP provides an overall vision and objectives largely in line with PPS10. Whilst it seeks to ensure timely provision of facilities required for recovery and disposal etc of waste, it requires, like PPS10, a balancing exercise to be undertaken in order to minimise for example the environmental impact of such facilities. On balance the application proposal does not comply with policy WM1.

8.57 Overall, the proposal is not in accordance with the development plan.

*PPSs 7, 10 and PPG 13*

8.58 For the reasons explained above, the proposal is not PPS7 or PPG13 compliant. With regard to PPS10, it is acknowledged that it provides some support for additional waste treatment facilities. However, this should not be at any cost. The proposal is not fully compliant with PPS10 because: -

- (i) there is either no, or certainly not a full need for a facility of this scale;
- (ii) it would not contribute positively to the character and quality of the area;
- (iii) it would result in significant visual intrusion;
- (iv) the traffic generated would be unacceptable especially on the A120;
- (v) the scheme does not reflect the concerns or the interests of the local community;
- (vi) it conflicts with other land use policies (e.g. policies that seek to protect agricultural land and policies aimed at the protection of the countryside).

*PPS1 Design Paragraphs 33-39*

8.59 The Defra Guidance on the design of waste facilities referred to above (Document CD/8/9) indicates that in most cases even medium sized waste facilities will not be effectively screened by landscaping and bunds. Because of its size, this proposal is not accepted or welcomed by the community. PPS1 emphasises the need for development to take the opportunities available for improving the character of the area and the way in which it functions. This proposal does not comply with PPS1.

8.60 The introduction of such a substantial building for industrial purposes; the additional HGV movements that would be generated; and the associated noise, light and general activity that would arise, would combine to create an unacceptable impact on the character of the area.



## **SECTION 9 - THE CASE FOR THE COMMUNITY GROUP**

9.1 The Community Group (CG) has sought to compliment the evidence of the Local Councils Group. It is beyond the resources of local volunteers to challenge the complex and wide ranging evidence regarding the need for, or the viability of, a large scale waste management installation. The evidence of the CG therefore concentrated on the matters of concern to local people where it was considered feasible to bring forward additional material.

### *The impact on the character of the landscape and heritage features*

9.2 The surroundings of the site are predominantly rural. The aerial photographs (such as that at Document CG/1/B Appendix C) and the range of ground level photographs (in particular those at Documents CG/2/B appendix 1 and CG/1/B appendix E) demonstrate its rural character. It is accepted that it is not "pristine" countryside. The remnants of the airfield, the commercial and industrial uses in the vicinity, the sand and gravel workings and the towers are evident. However, when examined at a sensible scale, and not focusing on the area restricted to the site of the 6ha building and its immediate vicinity, these proposals clearly relate to a site in open countryside, dominated by large arable fields with woodland. The existing commercial and industrial uses occupy a very small proportion of the surrounding area. They are contained within defensible curtilages and do not detract from the open and rural character of the area. The applicants' description of the site as being "despoiled" is incorrect.

9.3 The nearby mineral workings are temporary; they have 12 years to run and the restoration is on-going as the reserves are dug. The relatively transient impact of the workings ought not to be given great weight. Because of the topography – the site is on a boulder clay plateau – there are many opportunities for long distance views in the area. For example, the existing hanger on the application site can be seen from a kilometre away to the west, namely from the edge of Silver End. The surrounding area and Woodhouse Farm are accessed by local people via the public right of way network, which is well used.

9.4 The evidence of the CG and of third parties shows that this is valued countryside. It forms the rural setting of Kelvedon, Coggeshall, Silver End and Bradwell and is enjoyed by local residents. Some have houses looking over the site. Many more experience it using the local roads and footpaths. It has ecology of local interest. Its biodiversity is rich. The ecological survey shows four bat species, great crested newts and brown hares, resident on and around the site. Notwithstanding the mineral working and the industrial/commercial activity, the area is identified by the CPRE as relatively tranquil, including having dark night time skies (see Document CG/1/B Appendix D). A national tranquillity map has been published which identifies the relative level of tranquillity in each 500 metre square in England. A place where tranquillity is most likely to be felt is represented in green on the map. The application site lies within an area shown as green on the map. In a report published by CPRE and the former Countryside Agency in 1995, tranquil areas were defined as 'places which are sufficiently far away from the visual or noise intrusion of development or traffic to be considered unspoilt by urban influences'.

9.5 The most detailed published landscape assessment in the applicants' evidence is the extract from 'Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments' prepared by Chris Blandford Associates and published in 2006 (Document GF/5/B (4)). Under the heading "Silver End Farmland Plateau" it indicates that "away from the main roads, that lie adjacent to the character area, and the sand and gravel pit, most of the area is tranquil." It is recorded that: "Overall, this character area has moderate to high sensitivity to change." The CG has sought to illustrate the detail of the existing landscape in its evidence. The photographs in CG/2/B appendix 1 are particularly useful because they were taken in January with bare deciduous trees. The winter visibility of the existing hanger can be compared with the autumn position. The CG was concerned at the time of preparing its evidence (before the ECC Committee Meeting of 24<sup>th</sup> April 2009) that the applicants' original illustrations of existing trees in the application drawings were inaccurate and that accordingly assessments of visual impact were understated.

9.6 A description of the listed buildings in the vicinity of the site and of the conservation area of Silver End is given in Document CG/4/1. Silver End was a model village created by the Crittall Company. As an important collection of Modern Movement buildings the village was designated as a conservation area in 1983 with a later Article 4 Direction to safeguard the character and appearance of the area, and the individual houses. The village contains a number of listed buildings, notably three managers' houses, one of which is known as Wolverton. It is visible across open countryside to the north east, and the application site is visible from it. Whilst much of the rest of the perimeter of the village is wooded, the flat plateau landscape results in a strong visual connection between the village and the application site.

9.7 Woodhouse Farm was listed Grade II in 1988. The farmhouse is of early 17th century origin with later additions. It has an oak frame and queen post roof, with hand made clay tiles. The building is in a poor state of repair and has been on the Buildings at Risk register, with its condition described as 'very bad', since 1987. There can be difficulties associated with the issuing of a repair notice and it is not necessarily the best course of action to achieve the preservation of a building. However, the neglect of Woodhouse Farm has continued for too long, and urgent repairs are necessary. It should be feasible for some repair work to be undertaken without awaiting the commencement of full refurbishment of this group of buildings. There is no schedule of immediate remedial works to secure the survival of the group of buildings. A nearby pump is also listed and an ancillary building to the rear, described as a bake house, brewhouse and stable is also listed Grade II. Lack of maintenance has led to the total collapse of the roof. The setting of the historic farmsteads on and around the application site relies on their relationship to the landscape, which can be affected by the introduction of alien elements such as chimneys or flues.

9.8 The setting of the listed buildings and the conservation area should not be narrowly defined. Paragraph 4.14 of PPG15 states that 'Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This should also, in the SoS's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area, but would affect its setting, or views into or out of the area.'

9.9 The applicants propose that the Woodhouse Farm complex be converted to an education centre. However, no listed building application has been submitted, and so it is not clear whether such proposals would secure the retention and restoration of the historic features of the buildings. Floor loading and fire regulation requirements could make this an inappropriate use of the buildings. Car parking, access and landscaping works could damage the immediate setting of the historic buildings. Woodhouse Farm is close to the proposed waste management facility. At present the westerly view from the farmhouse is of trees and the end of the existing hangar. This would be replaced by the roofs of the proposed IWMF and the chimney towering above. From this distance there would be noise, disturbance and possibly odour. Overall the setting of the historic farmstead would be completely transformed.

9.10 The setting of Woodhouse Farm is of most concern, but given the open landscape and the length of views this permits, other settings would be affected. The Silver End Conservation Area and the listed building known as Wolverton have already been referred to. In addition, Allshot's Farm is about 400m from the application site and would therefore be close to the IWMF. The damage already caused to the setting of the listed building at Allshot's Farm by the existing scrapyards would be exacerbated by the close view of the proposed chimney.

9.11 Herons Farm is some 900 metres from the site of the proposed chimney. Although not a listed building, Herons Farm is one of the historic farmsteads on the plateau. Existing views of blocks of woodland from this farm would have the addition of the proposed chimney stack and the roofs of the IWMF. The impact at Haywards Farm, another historic farmstead, would be similar.

9.12 Porters Farm and Rooks Hall are listed buildings situated about 1.4km and 1.8km respectively to the southeast of the application site. Parkgate Farm lies about 1.1 km to the south of the application site. Although not a listed building, it is one of the historic farmstead groups in the area. The proposed chimney at the IWMF would be visible from all three locations.

9.13 Sheepcotes Farm is a listed building sited about 600m west of the proposed IWMF. At present there is tall conifer planting at the rear of the plot which screens the farm buildings from the airfield. However, if this were removed, the proposed chimney and roofs of the IWMF would be visible at a close distance. Goslings Farm is a listed building sited about 1km to the northwest of the proposed IWMF, with no intervening woodland.

9.14 PPG15 makes it clear that the whole historic environment, not just the immediate settings of historic buildings and conservation areas, needs appreciation and protection. The proposed stack and roofs of the IWMF would be visible from many historic buildings, sometimes in an overpowering way. This would compromise the relationship between the historic buildings and their landscape setting. The historic environment would be further eroded by the increased number of HGV movements that would take place on the A120.

### Traffic

9.15 Mr. Nee's evidence, at Document CG /3/A, emphasises the concerns of local people with regard to the existing congested state of the highway network, in particular the A120 and A12 Trunk Roads. The A120, from which access is to be

taken, is operating above its design capacity and there are frequent queues. Examples of congestion incidents are given in the document. The section of this road between Braintree and Colchester is single carriageway and the Highways Agency announced in July 2009 that plans to re-route this section of the highway have been dropped. It is likely to be many years before this length of the A120 is significantly improved.

9.16 The junction of the A12 and A120 at Marks Tey is listed as having high levels of NO<sub>x</sub> at present. It is one of 18 air quality hot spots in the county. The additional HGV movements associated with the IWMF would exacerbate this situation.

9.17 There is particular concern about the likelihood of HGV traffic using local roads to gain access to the site when the primary routes are heavily congested or blocked. HGV traffic would divert through local villages such as Kelvedon and Feering under such circumstances. The onus would be on local villagers to police the HGV movements. It is inevitable that some HGV drivers would attempt to access the site via local roads through villages. For example the natural route from Witham would be the roads towards Braintree via Cressing (B1018) or through Rivenhall and Silver End.

9.18 A number of road accidents have taken place in the vicinity of the proposed access as indicated in Document CG/3/A. One serious accident took place at the junction of the site access road and Church Lane; several others have taken place on a 650m length the A120, in the vicinity of the access road junction. The proposed development would result in a significant increase in the number of HGVs using the access road and the nearby sections of the A120.

9.19 The EEP encourages modes of transport other than by road for the transport of waste. The only type of access envisaged for the application proposal is by means of road transport.

*The eRCF, the permitted RCF and the allocation for waste management, WM1, in The Waste Local Plan*

9.20 The proposal is for a very large scale waste management facility in the countryside, involving the loss of 1.6 ha of woodland and the sinking of its 6ha built form, to its eaves, into the ground. It is accepted that the principle of a waste management facility, on a relatively modest 6 ha site, incorporating the existing hanger, was established in the WLP. It is also acknowledged that permission was granted by ECC for the RCF in February 2009. It is therefore important to consider the differences between the RCF and the eRCF.

9.21 The eRCF would have a larger footprint and there would be differences in the details of construction and amount of excavation necessary. However, the critical difference between the two schemes is the incorporation of the CHP plant in conjunction with the waste paper processing. This would necessitate a chimney stack of a diameter of 7m and at least 35m in height above existing ground level, with the possibility that the EA may require a larger chimney, as a result of the EP process, than is envisaged by the applicants.

9.22 On this point, the response of the EA to the consultation on the Addendum Environmental Statement is of concern. The EA appears to cast doubt on the

acceptability of a 35m stack in meeting the requirements to protect the local environment. The Agency refers to recent permits for plants with "significantly smaller" waste throughputs yet having stacks of 75m and 65m i.e. around double the height of the stack proposed by the applicants at Rivenhall Airfield. As indicated in Document CD/16/2, this raises a number of issues:

i. Why did the applicants not engage at an earlier stage with the EA, at least to establish the likely range of stack heights required?

ii. The reliability of the applicants' evidence in respect of emissions modelling and stack height. The EA letter casts doubt on whether a 35m stack would be Best Available Technology in respect of a number of issues. The ground level emissions take up too much headroom between ambient and total pollution levels. It is not enough to demonstrate that levels do not exceed legal maxima; air quality should be protected, especially where it is already good. Moreover, the EA questions the high exit flue temperature of 150 deg C and consider that this raises issues about the efficiency of the proposed re-use of heat within the plant. This could have an impact on the required stack height, as a more efficient use of heat would reduce exit temperature, and thereby reduce the buoyancy of the plume with a resulting need for a higher stack.

iii. How a recommendation to the SoS could encompass such a wide disparity between the applicants' position on stack height and that of the statutory regulatory body, the EA.

iv. The greater intrusion on the rural landscape that would be caused by a stack height of the order suggested by the EA, together with the likely increased visibility from conservation areas, listed buildings and footpaths.

v. The possibility that a grant of planning permission for the eRCF could not be implemented without a further application to ECC for a much higher chimney, when the issue of the chimney height had been a key planning issue at the Inquiry

*The visual impact of the chimney on the landscape*

9.23 The applicants accept that the chimney stack would be a noticeable addition to the landscape and that it would be visible from an extensive area, although they argue that the change to landscape character would be localized. However, there is a clear distinction between the solid chimney proposed and the lattice structure of the existing tower. Moreover, the chimney would draw the eye to the long, low building of the proposed IWMF, as can be seen in the montage at Document GF/5/D/2 – the view east from Sheepcotes Lane near Wolverton.

9.24 The applicants also accept that the perceived visual envelope of the development would extend over a considerable distance. However, the CG does not agree with the applicants' submission that "the chimney would be visible but only as a small element of the overall view and would not give rise to unacceptable levels of visual impact". The applicants' landscape witness focused on the impacts on a limited number of residential properties. The concerns of the CG are wider, going to the impact on all of those travelling across and enjoying the surrounding countryside.

9.25 The impact of the stack is illustrated in the visualisations at CG/2/B (appendix 1) and the related comments. Some of the applicants' montages, particularly the appearance of the proposed stack and the screening effect of trees, are not accurate representations of the proposal. The stack would be more prominent than shown, and many of the existing trees are shown unrealistically high. The differences between the applicants and the CG as to the extent of the visibility of the site have narrowed as evidence has been prepared. The CG's visualisations are similar to the applicants' montages at Document GF/5/D /6 (from Footpath 8 near Polish Camp) and Document GF /5/B/16 (from Woodhouse Farm Garden).

9.26 The chimney would be visually harmful because it would convey an emphatic large scale industrial image, which would be something alien to this rural location. However carefully the chimney was finished, whether mirrored or otherwise, it would be perceived in this way. It is very doubtful that the light cloud reflective effect in the applicants' montages would be seen for long periods. The applicants acknowledge that it would subject to both aspect and weather conditions. The damaging impact on the setting of the listed buildings and the Silver End Conservation Area follows from the above. The settings are part of the overall rural landscape and would be compromised by this very visible element of industrial character.

#### *Other impacts*

9.27 There is concern about the loss of woodland that would occur and the ecological impact of the development. The estimated period for the maturing of new habitats is very considerable. The applicants' ecological evidence indicates a 40 year medium term, and 80 years long term, requirement for woodland growth. In addition there is doubt as to the protection which could be given to the retained woodland on the edge of the excavation, given the depth and sheer sides of the proposed excavation.

9.28 The traffic/highway impact is put forward as being the same for the eRCF as the RCF, namely 202 HGVs in and 202 out, all via A120 existing access. A condition is proposed to ensure this. Both this safeguard and the HGV routeing scheme in the S106 agreement are essential.

9.29 The effect of artificial light at night is also of concern. Light pollution must be minimized, given the existing character of this area. There is a doubt as to how shift changes and other movement during the hours of darkness could take place without light escape.

9.30 The local community is worried about the impact of emissions and the potential risk to health. It is accepted that given the policy position in PPS 10 these matters would have to be further addressed by the EA in the consideration of the EP.

#### *Matters raised by the Secretary of State and the Inspector*

9.31 The above factors give rise to the following conclusions:

- The eRCF proposal is not in accord with the WLP 2001, because of its scale and the fact that it is much greater in extent than the Policy WM1 allocation. There is also conflict with the provisions of the EEP 2008, Section 8, and Policy ENV2 because

of the harm which would be caused by the visual intrusion of the chimney stack in the landscape. As a result of its height, this essential element of the eRCF would have an impact which could not be successfully mitigated.

- The incorporation of the chimney and its adverse impact on the landscape is in conflict with the aim of PPS 1, para.34 – it would be inappropriate in its context and harmful to the character and quality of the area.
- Similarly, the proposal is in conflict with Key Principles (iv) and (vi) of PPS 7 because of the harm that would be caused to the character of the countryside by the scale of the chimney.
- Visual intrusion is one of the locational factors in Annex E of PPS 10 – considerations include the setting of the proposed location.
- The setting of listed buildings in the vicinity of the site would be harmed by the visual intrusion of the chimney. The same harm would be caused to the setting of the Silver End Conservation Area on its eastern side. PPS 10, Annex E(e), PPG 15, and the LB&CA Act 1990 s.66 require that these factors are taken into account.
- The intrusive effect of the chimney would be readily perceived by users of the local footpath network. The degree of access to the countryside in this area afforded by the public rights of way is a significant factor in weighing the impact.

## **SECTION 10 - THE CASES FOR OTHER PARTIES AND INDIVIDUALS**

### **1. Saffron Walden Friends of the Earth (SWFOE)**

10.1 The case for SWFOE can be found at Documents OP/1 and OP/2.

10.2 The RCF proposal did not meet all the requirements of Defra's Waste Strategy for England (WSE) 2007, but the proposal was flexible and could have been modified. It was proportionate to the needs of Essex and provided an opportunity to deal with some C&I waste. WSE 2007 stipulates the need for flexibility. Waste disposal technology has changed and will change in the future. The achievement of recycling targets will change the amount and constitution of residual waste.

10.3 In contrast to the RCF, the proposed eRCF is excessive. It would provide facilities for the treatment of 850,000 tpa of waste, which is over 300,000 tonnes more than the total household waste arisings in Essex in 2007/8 (JMWMS Document CD/8/2). The proposal includes an incinerator.

10.4 Incinerators have to work within a tight schedule of feedstuff loads for safety and efficiency reasons. Changes in the MBT processes at Basildon or Rivenhall could result in lower tonnages of SRF than anticipated. There could also be pressure to retain plastic in the SRF to maintain bulk and calorific value. This would increase the fossil derived fuel carbon dioxide, with implications for carbon emission balances. The pressures for a regular supply of feedstock for the incinerator would have an impact on decisions taken with regard to the MBT processes. It is likely to encourage the production of more SRF at the eRCF, which could only be achieved by reducing

the amount of recycling and composting that would otherwise be achieved. As incinerators normally have a 25 year life span and require a constant supply of fuel, the whole system would be very inflexible. This is contrary to the flexibility required by WSE 2007.

10.5 The fundamental difference between the two schemes is the introduction of the paper pulping plant (MDIP) for the treatment of 360,000tpa of paper. Such plants are high users of electricity and heat. The MDIP operation would be an industrial process and could not be regarded as a recycling operation. As such it would be in contravention of the Braintree District Local Plan Review. Such a proposal should be subject to a separate application and EIA, which would consider the appropriateness of the choice of site for such a development, especially in relation to transport. It is likely that the waste paper would be sourced from many areas in the UK. Moreover, the A120 is already congested at Marks Tey. The manipulation of lorry loads to produce the same number of HGV movements for the eRCF as predicted for the RCF could prejudice the success of the MDIP. The complications of lorry journeys could make it more difficult for the facility to compete in the market.

10.6 The production requirements of the MDIP dictate the nature and size of the waste disposal facilities rather than the aims of the Essex Waste Strategy. Policy WM3 of the RSS requires local authorities to reduce the amount of imported waste. Imported waste should only be allowed if new specialist waste facilities requiring a wide catchment area would bring a clear benefit to the Region. As only 10% of paper waste is likely to be high grade, the provision of a specialist recycling facility is unlikely to provide a significant benefit to either Essex or the Region. Out of an intended intake of 360,000tpa high grade paper, only 29,000tpa would be from local waste supplies.

10.7 The MDIP would require water over and above that obtained from recycling and rainwater collection. Water abstraction could have an impact on the River Blackwater. A water study should have been undertaken to assess the impact of water requirements.

10.8 An incinerator or a CHP produces more CO<sub>2</sub> per tonne of waste than an AD. Notwithstanding this, the situation is complicated by the recommendation of the International Committee on Climate Change that biogenic CO<sub>2</sub> should not be taken into account as it has already been sequestered in the growing plant and the overall balance is neutral. This convention has been utilised in the WRATE assessment process. However, this is incorrect as biogenic CO<sub>2</sub> should be included in carbon emission calculations for a number of reasons; the most obvious being that it is still CO<sub>2</sub> contributing to climate change whereas sequestered carbon remains truly neutral. The WRATE model therefore dramatically underestimates greenhouse gas production. In the context of the waste hierarchy, the production of biogenic CO<sub>2</sub> is regarded as recovery and the energy created is part of the recycled energy target, which also qualifies as saving of the CO<sub>2</sub> created by the average national power station in producing the same amount of electricity. The CO<sub>2</sub> savings from surplus energy supplied to the national grid would depend upon the content of the SRF to be burnt. Predictions can only be approximate and the savings would probably be near to neutral, whereas with AD all electricity /heat generated would be recovery.



10.9 Under the 2006 Waste Framework Directive (WFD), which is currently applicable, and relevant case law, incineration is correctly classified as disposal rather than recovery, unless it can satisfy a number of tests. The combustion of the waste must fulfil a useful function as a means of generating energy and such combustion must replace a source of primary energy, which would otherwise have been used to fulfil that function. This is not the case in the eRCF proposal. Energy production would be a by-product of waste disposal.

10.10 The 2008 WFD will reclassify certain forms of incineration as recovery, rather than disposal, subject to the organic content of the waste and the efficiency of the incinerator (Extract from Consultation Document is included in Inquiry Document OP/2). The R1 test relates only to incineration facilities dedicated to the processing of MSW. It is doubtful whether the eRCF would meet these standards and the scheme would therefore be at the bottom of the waste hierarchy. Even if the incineration element of the eRCF could be classified as recovery, it would reduce the level of recycling and therefore run counter to the objectives of the waste hierarchy. Research by the FOE shows that, in general, incineration and recycling are competitive rather than complementary – they compete for the same waste streams. The incineration element would therefore reduce pressure for recycling, yet in Essex there is a huge disparity between the best and worst performing districts in terms of recycling.

10.11 Defra's WSE 2007 encourages energy from waste (EfW) as part of its energy balance, and advocates anaerobic digestion (AD) for this purpose. Nowhere is incineration specifically encouraged in WSE 2007. The eRCF would reduce the level of AD that would otherwise be undertaken, by introducing incineration.

10.12 The proposal runs directly counter to the County's JMWMS. Incineration is not envisaged in the JMWMS, whereas AD is repeatedly advocated as ECC's preferred option. Incineration could be harmful to public health. The recent Health Protection Agency report on 'The Impact on Health of Emissions to Air from Municipal Waste Incinerators' admits that 'although no absolute assurance of a zero effect on public health can be provided the additional burden on the health of the local population is likely to be very small'. The most difficult problem to assess is that of deposition of long lasting dioxins and furans into soil and onto crops and grass and thence into the food chain. In the early 1990s inadequately monitored mass burn incinerators created a serious problem by contaminating fish, milk, chicken and eggs, leading to a situation in some areas where babies were absorbing more than the safe level from mothers' milk. These incinerators have now been closed. Future levels depend entirely on operators maintaining good practices and carrying out regular monitoring, together with regular testing of background levels in the food chain by the public agencies responsible.

10.13 Dioxins cannot easily be continuously monitored. Escapes could occur between monitoring sessions. In relation to air quality, some continuous background modelling would provide a baseline. NO<sub>x</sub> assessments should have been included in the air quality assessment as it can have effects on vegetation and could therefore be an issue with County Wildlife Sites and agricultural land being at risk. No predictions have been provided for PM<sub>2.5</sub>. A limit value of 25µgms/m<sup>3</sup> for PM<sub>2.5</sub> is likely to be introduced into the EU Air Quality Directive before 2015. Traffic emissions should also have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than DMRB guidance.

10.14 The predicted levels of arsenic cannot be ignored and the matter cannot be left to a planning condition limiting emission levels to below the EAL. The modelling undertaken by the applicants may have been conservative, but arsenic is a carcinogen and so could be regarded as having no safe threshold limit.

10.15 When other satisfactory and safe methods of disposal are available, such as AD, then it is wrong to choose any alternative methods that pose serious health risks unless rigorously controlled. It is also noteworthy that SRFs can contain plastics and incineration of such material cannot be considered a recovery.

## **2. Colchester and North East Essex Friends of the Earth (CNEEFOE)**

10.16 The case for CNEEFOE can be found at Documents OP/6.

10.17 There is a long history of opposition to incineration in Essex. There is no need for such major facilities at Rivenhall. An incinerator for SRF would destroy valuable materials, increase pollution, and emit gases that would contribute to climate change. High recycling rates together with local composting would be less costly than a strategy of large centralised facilities involving incineration and long term contracts. Moreover, there is ample landfill capacity in the County.

10.18 Recycling is better than incineration and landfilling from a climate change point of view. Burning SRF is particularly polluting. A number of incinerator projects have proved to be costly disasters.

10.19 The site and access routes are not suitable to accommodate such a large industrial plant with the associated hundreds of additional HGV movements that it would generate. The proposed eRCF on the site would be harmful to wildlife, the rural landscape and the historic heritage of the area.

10.20 The paper pulping plant would be better sited adjacent to a plant making recycled paper, or at least near the coast or adjacent to a rail line where alternative means of transport could be employed.

10.21 AD plants should be sited near sources of food and agricultural waste. They should be local facilities rather than centralised plants. It would be far more efficient to use the biogas from an AD plant to heat homes, rather than to produce electricity.

10.22 Recyclables should be collected separately and sorted at the kerbside for local baling, rather than waste being mixed and having to be sent to an MRF. Materials become contaminated and degraded when mixed, and a centralised MRF would use far more energy than a system where separated waste is collected at the kerbside. Clean separately collected recyclables command higher prices than materials recovered by means of an MRF.

10.23 The proposal would inhibit the rapidly increasing recycling and composting rates that are taking place in Essex. Colchester has the highest usage of home compost bins in the UK. The amount of municipal waste collected by Councils in England has been decreasing over the last few years.

10.24 There is a need for flexibility in dealing with waste over the next decade. No long term contracts should be entered into. As indicated in Document OP/6 Appendix 7, such contracts would limit the ability to increase recycling and prevent new technologies being adopted.

10.25 The appeal proposal would shred and burn a valuable resource, thereby causing environmental damage and restricting opportunities to reduce the production of gases which contribute to climate change.

### **3. Mr Stewart Davis – Kelvedon Resident**

10.26 Mr Davis' submission can be found at Document OP/3. He points out that the A120/A12 route is already congested, and even if HGVs visiting the site were scheduled to avoid peak times, the periods of congestion during the day would be expanded.

10.27 Congestion would motivate drivers to seek other routes, which are unsuitable for HGV traffic. It would be impractical to enforce a contracted route, as this would require monitoring all vehicle trips.

10.28 The high quality pulp produced at the MDIP would have to be delivered in an uncontaminated state to paper mills. This would require the use of clean vehicles. Waste delivery vehicles may not be suitable, thereby resulting in more journeys than currently predicted by the applicants.

10.29 The need for the MDIP is questionable. A number of paper mills in the UK have closed recently because of over capacity in the market. Paper consumption is going down. The de-inking and remaking of paper uses more energy than making paper from new pulp obtained from sustainable forests.

10.30 The applicants have referred to obtaining waste from outside Essex. Where would it stop? Waste could be imported from anywhere with the result that roads would become more and more congested.

### **4. Mrs Eleanor Davis – Kelvedon Resident**

10.31 Mrs Davis' submission can be found at Document OP/4. She considers that the road network is inadequate to serve the development. Roads in the area are busy and frequently congested. Either the road network should be improved, or preferably waste should be delivered to such a site by rail.

10.32 There is no overriding need for an incinerator. Any need would decline over the next few years as efforts to reduce our carbon footprint result in reduced waste arisings and increased recycling.

10.33 The eRCF would be a blot on the landscape and would create undesirable emissions. The incinerator would attract waste from a wide area.

### **5. Mr Robert Gordon – Silver End Resident**

10.34 Mr Gordon lives in Silver End, 1km from the site of the proposed eRCF. He is concerned that noise and odour generated by the development would have a harmful

effect on the local population and on wildlife. The site is unique. It is a plateau inhabited by hares, skylarks and many other species. All would be at risk. A screening hedge would be of little use.

10.35 The impact of 400 HGV movements per day would be severe. Local roads would be affected, as the routing proposals would be subject to abuse.

10.36 The owner of the land has not recognised the significance of the site as an airfield used by the USAF and RAF.

## **6. Mrs Kate Ashton – Rivenhall Resident**

10.37 Mrs Ashton's evidence, and appendices, can be found at Document OP/5.

10.38 The roads between Kelvedon, Rivenhall and Silver End are not suitable to accommodate an increase in HGV traffic. They are winding and narrow. In places they are not wide enough to allow HGVs to pass one another. HGVs using the local road network would harm the character of the countryside and be extremely detrimental to highway safety. There can be no guarantee that all HGVs associated with the proposed development would follow the defined access route.

10.39 In addition, there is potential for further mineral development in the area. If this and the eRCF development were to take place, an industrial landscape would be created and the character of the countryside would be destroyed. Such a combination of development would result in more than 1000 additional HGV movements on the A120. This would cause such serious congestion that lorries would be forced to use the local road network.

10.40 It was originally proposed that a waste treatment plant at Rivenhall Airfield would deal with local waste. However, the proposal has grown to an extent that it would be a major industrial development that would deal with waste from as far afield as the East Midlands. The complex would so large that it would ruin the rural character of the area. The proposed chimney stack would be seen for miles.

10.41 There can be no guarantee that emissions would not cause harm to human health or wildlife. The development has the potential to produce odours and bio-aerosols. Mrs Ashton's husband and son both suffer from asthma, and this would undoubtedly be exacerbated by any emissions.

10.42 Waste recycling figures in Braintree District Council are well ahead of targets. Waste management in the future should be undertaken within each district, and not on a vast centralised basis which increases the need for transport and environmental impacts.

## **6. Mr Brian Saville**

10.43 Mr Saville lives at Herons Farm, which overlooks the application site. His family have lived there for generations. He regularly uses Church Road and is concerned about road safety at the access road junctions with Church Road and Ash Lane. On three occasions last year, vehicles came out of the Quarry access road immediately in front of his car, whilst he was travelling along Church Road. The access road is used as a 'rat run' when congestion occurs on the A120. There have

been two major accidents in the past, one at the Church Road junction and the other at the Ash Lane junction.

10.44 At present the access road carries about 200 to 300 vehicles per day. Adding a further 400 HGV movements would result in extremely dangerous conditions for road users. Many HGVs slow down, but do not stop at the junction. The proposal to trim existing hedges and replace signs would have little impact on road safety.

## **7. Ms Felicity Mawson - Witham Resident**

10.45 Ms Mawson's statement can be found at Document OP/7. She is concerned that the future generation would have to suffer the 'blot on the landscape' that would be created by the development of the eRCF. The countryside would be despoiled.

10.46 HGVs would be likely to use the local road network, as the A12 road is already busy and congested. This would cause additional noise, vibration and reduced air quality from exhaust fumes. Local people's health and quality of life would be compromised.

10.47 Ms Mawson is also concerned about the consequences of potential accidents and the release of pollutants at the plant. Such a large plant would concentrate the various risks in one place.

## **SECTION 11 - WRITTEN REPRESENTATIONS**

11.1 The application has been subject to three consultation periods; the first following the submission of the original application and ES, the second following the submission of the Regulation 19 additional information, and the third following the submission of the addendum to the ES. The responses to the first two consultation periods are summarised in the report to the ECC Development and Regulation Committee (Section 6 of Document CD/2/12A). Amongst other things these indicate that the East of England Development Agency broadly supports the application; the Highways Agency was satisfied that the proposal would not have an adverse effect on the A120 Trunk road, and the Environment Agency (EA) indicated that it had no objection subject to a number of comments. The EA pointed out that various mitigation measures should be undertaken and that an Environmental Permit would have to be obtained which would require the applicants to demonstrate that a high level of protection of the environment would be achieved. The Primary Care trust also had no objection, subject to certain mitigation measures being implemented in relation to air quality and road safety.

11.2 The Highway Authority did not object to the proposals subject to a number of highway improvements being secured by means of condition or legal agreement. Natural England (NE) also had no objection, provided proposed mitigation measures are undertaken. NE considered that the proposed ecological management plan would have a long term positive impact on ecological assets. However, Essex Wildlife Trust objected to the proposals on a number of grounds, including the proposed loss of 50m of species rich hedgerow, the loss of 1.6ha of woodland and resulting disturbance to the remaining area, and the loss of 19.1ha of open habitats. The Ramblers' Association also objected to the scheme pointing out that the airfield is on an elevated site which provides commanding views in all directions. The Association considers that the site has many of the characteristics of a greenfield site. It argues

that noise, dust, and traffic would be a nuisance for nearby residents and users of the local rights of way network. Written objections were also made by Braintree DC, a number of Parish Councils and the CPRE Essex. The objections from these bodies were expanded upon and explained by witnesses at the inquiry and are set out in preceding sections of this report.

11.3 In addition to the consultation responses, ECC received representations from 820 individuals and organisations, the vast majority objecting to the proposals. These can be found at Document 3. A summary of the representations is set out in Appendix F of Document CD/2/12/A. Amongst other things, objectors submit that there is no overriding need for the development and that such development is contrary to prevailing planning policy, in terms of national guidance and the development plan. Moreover, it is argued that the site and proposed development are far larger than that set out in the WLP and are excessive in terms of the needs of North Essex. The proposal is in breach of the proximity principle and would result in inappropriate industrial development in the countryside. There is concern that waste would be imported from outside Essex. Objectors argue that such development should be located near the coast, away from human habitation, and close to infrastructure that would provide appropriate access.

11.4 It is also argued that development would blight the countryside. The scheme would be readily visible in the landscape and the proposed chimney stack would be very prominent and visible for miles. The proposed height of the stack is uncertain. The photomontages presented by the applicants are inaccurate. Moreover, they show trees in leaf and therefore suggest greater screening than would be available in winter. The long term viability of the remaining trees is in doubt because of the reduction in water that would be available. New planting would not be effective as a screen for 10 to 15 years. There would be a loss of good quality agricultural land.

11.5 There is also concern that the development would result in a loss of habitats, grassland and woodland. It would be detrimental to protected species. The proposal would be harmful to the Upper Blackwater Special Landscape Area (SLA) as the access road passes through the SLA.

11.6 Objectors submit that the development would discourage recycling. It is argued that waste management should be undertaken at a District level and that facilities such as the CHP cannot run economically without a guaranteed supply of combustible material.

11.7 In relation to traffic generation, it is submitted that the number of vehicles anticipated by the applicants is not realistic and the road network would not be able to cope with the increased traffic. The A12 and A120 are already congested at peak periods and when accidents occur. At such times, HGVs associated with the site would use the local road network. There has been no attempt to make use of other forms of transport. Moreover, the additional traffic would contravene Government guidelines on CO<sub>2</sub> emissions and carbon footprints.

11.8 Objectors consider that the proposals would cause problems of light pollution, litter, odour, dust, noise and disturbance, and would encourage vermin. This would be harmful to the living conditions of local residents.

11.9 There is also concern about the impact of emissions from the eRCF on human health, wildlife and the growing of crops. The proposal could result in contamination of ground and surface water. Moreover, there is a risk of accidents which could pose a hazard.

11.10 There would be a detrimental impact on listed buildings in the area. The setting of Woodhouse Farm would be affected by the proposed nearby chimney and the car park.

11.11 In addition to the representations submitted to ECC, consultation responses were sent the Planning Inspectorate on the Addendum to the ES. Moreover, more than 80 further written representations were submitted which can be found at Documents CD/15/1 to 7. Again, the vast majority of these representations are objections to the proposal. The representations reflect many of the arguments set out in the representations sent to ECC and point out that only one letter of support for the proposal was submitted. It is argued that the proposals are in conflict with national, regional and local planning policies and do not represent the Best Practical Environmental Option. The proposal is for a large scale industrial development in the countryside. It would be poorly located and harmful to the quiet rural character of the area and to wildlife and protected species. It would be inadequately screened and readily visible in the landscape.

11.12 The chimney stack would be a prominent and intrusive feature, which could not be disguised or blended into the colour of the sky. Moreover, there is no certainty that a 35m high chimney would be adequate. The planning application and Environmental Permit application should have been progressed together. Government guidance encourages certainty in the planning system and suggests that applicants should work with pollution control authorities. If it were eventually decided by the EA that a 40m or even 45m high stack was necessary, a further planning application would be required.

11.13 Objectors submit that the eRCF would cause light pollution in an area that is light sensitive. Furthermore it would create noise and disturbance, dust and odour, and attract vermin and seagulls. It would be harmful to the living conditions of local residents. It would result in the loss of Grade 3a agricultural land. Moreover, the development conflicts with the proximity principle and is entirely reliant on road transport. The anticipated HGV traffic figures are unreliable. The additional HGV traffic would exacerbate congestion and create safety problems, particularly on local roads and at the junctions of the access road with Church Road and Ash Lane. Congestion on the A120 is already a problem. On many days traffic travelling in an easterly direction is almost stationary from Marks Tey to past Coggeshall, and in a westerly direction from the Quarry access road to Braintree roundabout.

11.14 Again, it is argued that the proposal would create a risk to human health and the environment, and that the potential for the development to emit harmful gases and contaminate ground water has not been adequately assessed. The emissions of arsenic and lead would be close to legal limits. Lead levels could rise to more than 5 times the background levels. Furthermore, there has been a failure to predict or monitor NO<sub>x</sub> changes, which can have a significant impact on vegetation. In addition, there is uncertainty over the wind direction data used by the applicants. The need for the development has not been justified and the development would discourage recycling. There is a need for flexibility in waste management in future

years. The eRCF proposal does not permit such flexibility. Moreover, it would result in waste being imported into Essex.

11.15 It is also submitted that the development would harm the setting of many listed buildings and the conservation area at Silver End. There is concern that the proposal would be detrimental to the historic value of the airfield.

11.16 Brooks Newmark MP, the local Member of Parliament, indicates that he is opposed to the construction of an incinerator at Rivenhall. He shares many of the concerns of local residents and considers that such development is neither in keeping with the needs of the local community nor the countryside.

11.17 Natural England (NE) confirms that it raised no objection to the application when initially consulted. It accepts the view expressed in the Addendum ES that the site comprises a range of habitats and that these suggest that the UK Biodiversity Action Plan Priority Habitat, Open Habitat Mosaics on Previously Developed Land is applicable. However, it appears to lack many of the key physical features commonly regarded as increasing biodiversity, and any areas of marginal or pioneer habitat are small and widely dispersed. NE agrees that ECC were justified in assigning only a limited level of significance to the site's Habitats Action Plan status under its PPS9 duties.

11.18 Jeremy Elden, Director of Glendale Power Ltd, indicates that the company has recently announced plans for a 30,000 tpa Anaerobic Digestion (AD) power station and associated CHP system in Halstead, some 8 miles (13 kms) from the application site (Document CD/15/5/B). The plant is intended to process segregated organic waste. An AD plant smaller than that proposed at Rivenhall has been chosen for a number of reasons. Firstly, it would meet a local need rather than a larger or regional need. Secondly, it would be linked to a district heating scheme. This is only economical for small generators, as the quantity of heat involved in larger generators would be too much to meet the requirements of users within a radius of about 500 metres, which is a feasible distance to carry heat by means of hot water. Thirdly, larger plants inevitably involve greater transport distances for materials which offsets any economies of scale.

11.19 Mr Elden points out that in Essex there two main sources of organic waste suitable for feedstock for an AD plant of the type contemplated by Glendale Power, namely municipal and C&I waste. The Essex Waste Partnership of local authorities together with Colchester BC anticipates a total of 88,000tpa of municipal demand. C&I quantities are harder to assess. One estimate based on population and total UK volumes, suggests a C&I feedstock availability in Essex of around 105,000 tpa. An alternative estimate based on the 2008 Regional Biowastes Study produced by Eunomia for the East of England Regional Assembly gives an estimate of 84,000 tpa C&I feedstocks within the county. Total feedstocks in the County are therefore around 170,000tpa of which about 30-40,000tpa are currently treated. Based on a transport cost versus plant size analysis, Glendale Power considers that the most economic size of AD plant has a capacity in the range of 30-45,000 tpa. In view of Glendale Power's proposal, the applicants are incorrect to suggest few, if any alternative waste processing facilities are likely to be developed in Essex apart from one or more major facilities at Basildon, Rivenhall or Stanway.



11.20 In a letter dated 13 October 2009 (CD/15/7), the Environment Agency (EA) comments on the Addendum to the ES, pointing out that it is concerned that “the proposed stack height of 35m may not provide the best level of protection for the local environment, in particular for short term means of SO<sub>2</sub> and NO<sub>2</sub> and long term means for several of the trace elements which have very low Environmental Assessment Levels (EALs)”. The EA draws attention to a number of EfW plants for which it has recently granted permits and which have stack heights considerably higher than that proposed for the application site, together with significantly smaller annual throughputs. The Agency provides further comments on the Addendum, notably pointing out that it is not acceptable for the applicants to simply state that EALs are predicted not to be breached. Best Available Technique (BAT) requires minimisation of any impact.

11.21 However, in a subsequent letter (Document CD/16/1) the EA seeks to highlight that it is not objecting to the eRCF, but wishes to make clear that a future environmental permit may contradict the requirements of a planning permission. If the stack height was restricted to 35 metres by a planning permission, there may be options other than an increased height of stack available to the applicants to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits, should this prove necessary. However, until a detailed assessment is conducted during the determination of a permit application, there can be no guarantee that the stack height proposed would represent the Best Available Techniques (BAT) to minimise the impact of the installation on the environment. The EA points out that the detailed comments made in the appendix of the letter dated 13 October 2009 were intended to identify specific areas where further work would be required to adequately demonstrate that BAT was being used to minimise the environmental impact.

11.22 Although reference was made in the letter dated 13 October to two other EfW plants with taller stacks, the EA points out that each case must be taken on its own merits and the necessary stack height would depend on site and installation specific characteristics. It cannot be inferred that a shorter stack would not be acceptable. However, limiting the stack height would reduce the options available to the applicants to ensure that air quality is satisfactorily protected.

11.23 Feering Parish Council (PC) is concerned about the impact of emissions from the plant and subsequent air pollution. It is also concerned about the detrimental impact of additional traffic that would be generated on the local road network, particularly when the A12 or A120 were closed. The PC submits that there should be a rail link provided to the site. It is also suggested that if planning permission were granted, a S106 agreement should be drawn up to provide a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering.

## **SECTION 12 - CONDITIONS AND OBLIGATIONS**

12.1 Document ECC/8 sets out the final version of the conditions suggested by ECC. The first column gives the original set of conditions which ECC intended to impose following its resolution to grant planning permission for the eRCF on 24 April 2009. The central column sets out the latest set of suggested conditions after discussions

with the applicants, together with the reasons for those conditions. The third column sets out, where applicable, comments by the applicants and ECC.

12.2 Turning to the list of conditions, ECC and the applicants submit that the nature of the development justifies a 5 year period for commencement of the development, with 30 days notification of commencement. These are considered to be realistic limits by the main parties.

12.3 The maximum number of HGV movements permitted in relation to the eRCF would be the same as that allowed by the extant permission for the RCF. No assessment has been made of the impact of a larger number of additional movements. The LCG considers that the condition would be difficult to enforce other than after the event of a breach. The applicants are satisfied that the number of HGV movements permitted by Condition 3 would be sufficient to allow the IWMF to operate efficiently. The number of HGV movements permitted on Sunday and Bank Holidays is not identified but would be limited to operations permitted by conditions 34 and 36. These conditions relate to temporary changes approved in writing by the WPA and the clearance of waste from Household Recycling Centres which again would be largely under the control of the WPA.

12.4 Condition 5 requires a daily record of HGV movements in and out of the site. In order to provide information that would assist in the monitoring of the traffic routing provisions set out in the S106 agreement (see paragraphs 12.21-22 below), it is suggested that Condition 5 should include a requirement to log the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded. The applicants query the necessity to record such movements as the condition is intended to help control vehicle movements.

12.5 The LCG would like to see a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. The applicants could eventually claim that they have failed to achieve further planning consent and Listed Building Consent (LBC) for the Woodhouse Farm complex and no refurbishment would be undertaken. It is argued that to bring the building into a good state of repair would not necessarily require further planning permission and LBC. However, the applicants point out that the covenants of the S106 agreement require the developer to make application for beneficial re-use of the building and to use reasonable endeavours to reinstate and refurbish the farm complex. ECC points out that the works required to bring the buildings into a good state of repair are substantial and may well require LBC in any case.

12.6 Condition 16 requires provision of an artistic feature on or near the north elevation of the proposed IWMF. BDLPR Policy RLP94 indicates that the District Council will seek the promotion of public art or local crafts in the public realm and that major development will make provision for the commissioning of suitable and durable features. It is pointed out that the site could be seen from the public footpath network.

12.7 Condition 17 requires a management plan to be submitted to ensure that there is no visible plume from the stack. The applicants argue that this requirement overlaps with the environmental permitting regime. ECC submits that it is a planning

matter which the EA may not address. The LCG are concerned that the condition does not categorically state that there will be no plume.

12.8 In relation to Condition 21, the LCG points out that no parking areas have been shown on the plans for the parking of HGVs. In response, the applicants submit that there is no intention to provide any substantial parking for HGVs in the open air on the site.

12.9 The LCG considers that a condition should be imposed requiring electricity produced at the plant to go to the National Grid. However, the applicants point out that it is not entirely within their control that the electricity produced at the plant would be supplied to the National Grid.

12.10 In relation to Condition 28, ECC submits that SRF should only be sourced from elsewhere in the East of England for a period of one year from the date of agreement with the WPA. In contrast the applicants argue that the sourcing of such material should be permitted for a period of 5 years, as a period of only one year would lead to problems of uncertainty.

12.11 Turning to condition 30, ECC submits that the proposed condition allowing some paper waste from outside the region is reasonable because it takes account of the fact that the applicants may not initially be able to source 80% of the paper feed from within the region - it provides a mechanism for agreeing a larger proportion. The applicants argue that the MDIP would be a unique facility in the UK and that the condition is unreasonable. It would not be possible to immediately source 80% of the feedstock from within the region and the relaxation allowed under the condition would therefore be necessary at the outset. Moreover, Policy WM3 of the East of England Plan (Document CD/5/1) indicates allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit. The principle of self sufficiency therefore does not apply in this respect. The applicants argue that a restriction limiting feedstock to within a radius by road of 150km, or to the 3 regions bounding the East of England would be more reasonable and practical. This would help to control the distance feedstocks were transported and thereby limit emissions resulting from the transport of waste. The modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste.

12.12 However, ECC submits that even in the circumstances where an immediate relaxation is necessary, the suggested condition is reasonable, because the terms of the condition require ECC to authorise a greater proportion of imports. There are no circumstances where the condition would be unreasonable. At the same time, the condition ensures that the applicants have an incentive to seek feedstock from within the region, and that an initial inability to do so would not result in a total abandonment of the proximity and self sufficiency principle in the future. The figure of 20% is derived from the application. The regulation 19 information provided by the applicants stated that the Region could provide a significant proportion if not all of the paper feed stock for the MDIP [CD 2/10, p19-16]. This forms the basis of ECC's 20%/80% split.

12.13 The LCG are opposed to Condition 35 insofar as it would allow construction to take place for 12 hours on Sundays. ECC points out that a similar condition was applied to the RCF permission and the applicants argue that the PFI programme

expectations suggest that the plant would need to be constructed within 2 years which may well necessitate Sunday working.

12.14 There is some concern that Condition 38 does not specify where the noise measurements should be made. It is suggested that the wording in the last sentence of Condition 39 should be added to Condition 38.

12.15 Cllr Abbott for the LCG is concerned that Conditions 39 and 40 allow much higher noise levels than predicted by the applicants. The proposed (LAeq 1hour) limit is 42dB between 1900 and 2300 hours, and 40 dB between 2300 and 0700, whereas the application predicts levels of 30dB and as low as 22dB. Moreover, it is considered that Condition 42 is unreasonable in allowing an increase in noise up to 70dB (LAeq 1 hour) for up to 8 weeks per year. Condition 41 is considered to be inadequate.

12.16 The LCG considers that Condition 44 should specifically require lighting with zero tilt and that lights should not be sited above existing ground levels. In response ECC submits that the condition provides adequate control. It considers that specific controls imposed at this stage, before the lighting scheme is finally designed, could be counter-productive.

12.17 The applicants submit that Condition 52 should be deleted as it is a matter that would be dealt with when application is made for an Environmental Permit (EP). However, ECC points out that the EP would not control the excavation and construction of the plant and the condition is not unduly restrictive.

12.18 The LCG would like to see a complete prohibition of the works set out in Condition 55 during the bird nesting season. The applicants point out that this would be unreasonable if no bird nesting were taking place at the location in question.

12.19 Amongst other things, Condition 56 controls the height of the proposed stack. The applicants consider that it is unlikely that the EA would require a stack taller than 85m AOD (35 m above existing ground level) as part of the EP process. Nevertheless, the visual impact of a stack up to 90m AOD in height has been assessed and shown in at least one montage submitted by the applicants. The applicants seek the SoS's view on this matter. A Section 73 application would have to be made if a taller stack were to be required, but the views of the SoS would obviously be helpful if they were known in advance.

12.20 Condition 60 relates to the management and watering of trees adjacent to the proposed retaining wall for the period of excavation and construction of the IWMF. The LCG submits that these measures should continue during the operational phase. However, ECC argues that the trees rely on surface water rather than ground water in the substrata and therefore there would be no need to continue watering after construction is complete.

12.21 A conformed and a certified copy of the completed S106 agreement can be found at Document CD/14/5. The S106 agreement includes a covenant whereby the developer would not implement the planning permission until the highway works set out in Schedule 1 were completed. The works include improvements to the access road crossings at Church Road and Ash Lane and at locations where public rights of way cross the access road. These works are necessary in the interests of the safety

of users of the local highway and rights of way network. Some parts of the proposed highway works would be dedicated where they would form part of the public highway network. A section of the existing access road would also be widened.

12.22 The document also makes provision for a traffic routing management scheme in a form to be agreed with the County Council. Plan No 2 of the document shows the routes intended for HGVs and Schedule 6 sets out details of the scheme.

12.23 The third schedule relates to the setting up of a Site Liaison Committee. This would provide a forum between the operator, the local authorities and the local population to discuss the ongoing operations of the development and to assess compliance with various aspects of the control of the development. It would provide an opportunity for the results of air quality monitoring required by the EA, and ground water monitoring results to be presented to representatives of the local community. The LCG would like to see ambient air quality monitoring being undertaken at specified receptor locations. However, the applicants point out that this would be subject to so many variables that the data would be of limited value and it would be preferable and more meaningful to monitor emissions from the stack as is likely to be required by the EA.

12.24 The document also makes provision for the refurbishment of the Woodhouse Farm complex, providing amongst other things an education centre for the public, and an area to be set aside for local heritage, and an airfield museum.

12.25 The fourth schedule relates to a management plan to ensure that all retained and proposed vegetation is managed in a manner that would mitigate the visual impact of the development and improve and enhance the ecological value of the area. The management plan would cover a period of 20 years from the commencement of beneficial use of the facility. The document also provides for the planting of trees and shrubs for woodland and hedgerow areas, and seeding for areas of open habitat.

12.26 Clause 3.15 of the document seeks to ensure that the development is implemented and that the permission is not used merely to extract minerals from the site.

12.27 The document also makes provision for a level two and, where appropriate, a level three survey, in accordance with the 2006 English Heritage guidance entitled 'Understanding Historic Buildings: A guide to good recording practice', for all buildings and structures within a defined area set out in the document. It also provides for funding a presentation of the findings.

12.28 Provision is made for a groundwater monitoring scheme to be undertaken and if necessary for mitigation measures to be taken. The monitoring would continue until such time as it could be demonstrated that the development would not cause material adverse effects on ground water levels.

12.29 The agreement also links the Paper Recycling Facility (MDIP) to the CHP plant, except for periods of maintenance, thereby ensuring that the MDIP is an integral part of the overall plant.

12.30 The eighth schedule makes provision for the setting up of a Community Trust Fund to fund local community projects, and requires the developer to pay to the Trust Fund 5 pence per tonne of waste imported to the site.

## **SECTION 13 - INSPECTOR'S CONCLUSIONS**

*Note: Source references to earlier paragraphs of this report are shown in brackets thus [ ].*

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application should be determined in accordance with the development plan unless material considerations indicate otherwise. Bearing in mind the matters on which the Secretary of State (SoS) wishes to be informed, the evidence submitted at the inquiry, the written submissions and my inspections of the site and its surroundings, I consider that the main considerations in this case are as follows:

- i. the relationship of the proposed development to prevailing planning policy;
- ii. whether the design of the proposal is of high quality and would result in a sustainable form of development;
- iii. the visual impact of the proposal and its effect on the character of the surrounding area and the wider countryside, bearing in mind the guidance in Planning Policy Statement (PPS) 7;
- iv. the extent to which the proposal is consistent with advice in PPS10 to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency;
- v. whether there is a need for a facility of the proposed size;
- vi. whether the overall scheme, including the de-inking and paper pulping facility, represents a viable proposal;
- vii. the weight to be given to the fallback position of the RCF permission granted in 2007;
- viii. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings and the way in which waste is dealt with, and if so, whether the scheme takes account of such need;
- ix. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, outlook, and light pollution;
- x. whether the development would create a material risk to human health;
- xi. the effect of the proposal on highway safety and the free flow of traffic on the highway network;
- xii. the effect of the proposal on the local right of way network;
- xiii. the implications for the local ground and surface water regimes;
- xiv. the implications of the associated loss of Grade 3a agricultural land;
- xv. the effect of the proposal on habitats, wildlife and protected species;
- xvi. the impacts on the setting of listed buildings in the locality and the setting of the Silver End Conservation Area, and the desirability of preserving the listed

buildings or their settings or any features of special architectural or historic interest which they possess; and,

xvii. the effect on the historic value of the airfield.

### **i. Prevailing Planning Policy**

13.2 When considering the extent to which the scheme is in accord with the development plan, the applicants submit that only the Regional Spatial Strategy (RSS) (which I shall refer to as the East of England Plan (EEP)) is up to date. I agree that it is the most up to date of the documents which make up the development plan, but the saved policies of the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011(ESRSP), the Essex and Southend Waste Local Plan (WLP) and the Braintree District Local Plan Review (BDLPR) are also of relevance in this case. Some policies in the WLP require consideration of the Best Practical Environmental Option (BPEO), whereas the Companion Guide to PPS10 indicates that there is no policy expectation for the application of BPEO, and that requirements that are inconsistent with PPS10 should not be placed on applicants. Nevertheless, it seems to me that the WLP is still broadly consistent with the subsequent PPS10. [3.4, 6.54, 8.53]

13.3 Many objectors argue that the proposal does not accord with the development plan. ECC, however, points out that although the proposal does not comply with some policy, a whole raft of development plan and national policy guidance is supportive of the eRCF scheme. ECC considers the proposal is a departure from the development plan primarily for two reasons, although they argue that these are not significant departures. Firstly, the site extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1. Nevertheless, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan. Moreover, the allocation does not incorporate land for access and does not include Woodhouse Farm. The former is a necessary part of any proposal and the latter is an element of the scheme which is clearly beneficial in this case. It must also be borne in mind that the RCF permission establishes the principle of waste management facilities extending beyond the allocated site. For these reasons, I agree with ECC that the weight to be given to this departure is limited. [3.4, 7.1, 7.5-7.7, 8.53, 11.3]

13.4 The second reason is that the Market De-inked Paper Pulp facility (MDIP) is considered to be an industrial activity. Siting such development in the countryside would be contrary to BDLPR Policies RLP27 & RLP78. Policy RLP27 seeks to ensure that development for employment is concentrated on suitable sites in towns and villages. However, it seems to me that the MDIP is an integrated part of the eRCF designed to recover high quality pulp from waste. EU waste legislation and policy indicates that waste remains waste until it is recovered. The processing of waste paper through the MDIP would be a waste management process. I have no hesitation in concluding that the MDIP would be a waste management facility. The BDLPR does not regulate waste development. Notwithstanding this, the focus of Policy RLP27 is on the strategic location of employment and traffic generators. The RCF which has already been permitted is also a generator of employment and traffic and there is little difference between it and the eRCF in this respect. [3.5, 6.64, 7.9, 8.55]

13.5 Policy RLP78 seeks to restrict new development in the countryside. However, a large part of the area where the integrated waste management facility



(IWMF) buildings are proposed is allocated for waste management facilities and again the permitted development of the RCF establishes the principle of large scale waste management development at this site. For these reasons, I give only limited weight to the claimed conflict with BDLPR Policies RLP27 & RLP78 on these matters.

13.6 Need is a matter to be addressed under the development plan. Amongst other things WLP Policy W8A seeks to ensure that there is a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. I assess the need for the eRCF below and conclude that there is a need for waste treatment facilities having a capacity at least that of the proposed eRCF in order to achieve the national waste objectives set out in PPS10 and Policy MW1 of the EEP, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the EEP. [6.55, 7.11, 7.12]

13.7 The LCG submits that the proposal does not comply with EEP Policy WM1, pointing out that the policy requires the environmental impact of waste management to be minimised, including impacts arising from the movement of waste. I have considered these issues under a number of headings below, and although the development would have a number of detrimental impacts, including an impact on the character and appearance of the area; increased HGV movements on the A120; a detrimental impact on the living conditions of local residents; and loss of Grade 3a agricultural land; I am not convinced that the impacts are so great that they make the proposal unacceptable. In my opinion, the scheme has been designed to minimise the impact of waste management and does not therefore conflict with EEP Policy WM1. [8.56]

13.8 I am satisfied that the proposed MDIP is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK. [6.56]

13.9 Objectors point to the congestion which presently occurs on the A120 and submit that, by adding further HGV traffic to the A120, the proposal would conflict with EEP Policy T6 which, amongst other things, seeks to improve journey reliability on the regional road network as a result of tackling congestion. However, paragraph 7.18 of the EEP makes it clear that the regional road network should be the lowest level road network carrying significant volumes of HGVs. Policy T6 relates to the improvement, management and maintenance of the strategic and regional road networks, and thereby aims to ensure that they are fit for purpose. Traffic generated by the proposal would access the site directly via the A120 Trunk road and would therefore be directed immediately to the appropriate road network level. In this respect the proposal does not conflict with EEP Policy T6. [6.75, 8.34]

13.10 For all the above reasons, I consider that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies. For example, the loss of Grade 3a agricultural land would be in conflict with BDLPR Policy RLP 88, and the visual impact of the chimney would have some detrimental impact on the landscape character and thereby conflict with the objectives of RLP 78 and EEP Policy ENV2. However, in relation to the requirements of EEP Policy ENV2, it is arguable that appropriate mitigation measures would be provided to meet the unavoidable damage to the landscape character that would be caused by the proposed chimney stack. [6.85, 8.55, 9.31]

13.11 I have considered the proposal in the light of national guidance. Whilst there is some conflict with the guidance, again for example, the loss of agricultural land and the impact of the proposed stack on the landscape character, I am nevertheless satisfied, for the reasons given in the following sections, that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23.

## **ii. The quality of the design and sustainability implications**

13.12 The design, layout, scale, dimensions and external finishes of the eRCF are similar to those of the RCF, albeit that the eRCF would have a footprint about 17% larger than the permitted scheme. The main difference between the schemes is the addition of the MDIP facility, the CHP plant, and the stack. Bearing in mind the nature and size of the proposed development, I consider that it would be remarkably discreet within the landscape. The IWMF would be sited below existing ground level which would result in a large proportion of the structure being hidden from view and the rooftop level of the main buildings would be no higher than the existing hangar on the site. Moreover, the large arched roofs of the main buildings would resemble those of an aircraft hangar and thereby reflect the past use of the site as an airfield. [6.6, 6.94, 7.19, 8.25]

13.13 The cladding materials would be dark and recessive and the green roof of the main buildings would be colonised with mosses. The application site lies in an unlit area which is sensitive to light pollution. However, it seems to me that lighting at the site would be as unobtrusive as possible. Most, if not all, lighting units would be sited below existing ground level and designed to avoid light spillage. In addition, the extension to the access road would be built in cutting or on the existing quarry floor so that traffic generated by the site would be screened from many viewpoints, although the access road would be crossed by a number of footpaths. [6.6, 6.84, 6.93, 7.20, 11.3]

13.14 I consider that the combination of the above features, together with the proposed additional woodland and hedgerow planting, would help to alleviate the impact that such a large development would have upon its surroundings. In relation to the RCF proposal, CABE commented that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground raised no concerns. CABE made no consultation response in relation to the eRCF. [6.95, 7.19, 7.28]

13.15 The proposed stack would be an intrusive feature in the landscape. Again, however, the design of the scheme has sought to minimize this impact. The scheme has been amended so that only one stack would be built, albeit that it would be some 7m wide. Nevertheless, it is predicted that there would be no visible plume rising from the stack and the structure would be clad in a reflective finish. This and its siting, where a significant proportion would be screened from view, would help to mitigate its impact. [6.4, 6.82, 6.116, 7.20, 9.23-26, 11.4, 11.12, 12.7]

13.16 It seems to me that each of the waste management processes within the eRCF would benefit from the proposed integration with others. However, there is sufficient capacity in each of the processes to allow for variation thereby providing flexibility of use. [6.97]

13.17 The Climate Change Supplement to PPS1 requires that proposals make an appropriate contribution to climate change. Analysis using the EA's 'WRATE' Life Cycle Assessment Model indicates that the eRCF would result in a significant reduction in CO<sub>2</sub> emissions. The total savings of CO<sub>2</sub> by 2020 would be in excess of 70,000 tpa which compares favourably with the 37,000 tpa savings from the RCF. The integrated nature of the development would enable the power supply required to run the entire plant to be self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme would require 25MW of electricity from the National Grid to power the waste management processes. [6.99, 6.100]

13.18 I am mindful that the WRATE analysis does not take account of the production of biogenic CO<sub>2</sub> in the carbon balance. This approach is justified on the basis that CO<sub>2</sub> has already been sequestered in the growing plant and the overall balance is therefore neutral. Saffron Walden Friends of the Earth (SWFOE), on the other hand submits that biogenic CO<sub>2</sub> should be included in carbon emission calculations, not least because the production of biogenic CO<sub>2</sub> contributes to climate change, whereas sequestered carbon remains truly neutral. There is some merit in this argument, although, as the applicants point out, FOE's concern on this matter primarily relates to its disagreement with current guidance. IPPC guidance does not require biogenic CO<sub>2</sub> to be included. It may well be that other methods of dealing with organic waste, such as composting, would result in carbon being sequestered for a considerably longer period than in the case of incineration where much of the carbon would normally be released immediately. However, there is no dispute that the applicants have adhered to current guidance in assessing the carbon balance. [6.4, 10.8]

13.19 PPS22 indicates that energy from waste is considered to be a source of renewable energy provided it is not the mass burn incineration of domestic waste. SWFOE submits that the CHP should be characterised as disposal rather than recovery of waste as a matter of EU law. It also argues that recovery of energy through the CHP does not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC, which comes into force in late 2010. However, the energy efficiency figure formula set out in the Appendix to the Directive indicates that the CHP would meet the requirement for classification as recovery. Moreover, as the applicants point out, CHP is currently supported by WSE 2007 and other national and regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms. The Waste Directive 2008 seeks to address the categorisation issue. The use of SRF in the proposed CHP plant and the export of electricity to the National Grid would contribute to meeting the Government's Renewable Energy target of producing 15% of UK energy from renewables by 2020. The contribution would be increased by the proposed co-location of the MDIP and its consumption of heat from the CHP plant. For these reasons, I agree with the applicants that the eRCF proposal is in accord with the objectives of PPS22, the UK Renewable Energy Strategy, and WSE 2007 in this respect. [6.5, 6.101, 6.102, 7.27, 10.9-10]

13.20 Objectors submit that it is inappropriate to site such large scale development within the countryside. I am mindful that the application site can only be accessed by means of road transport and that for the workforce and visitors it would not be readily accessible by means other than the private car. However,

such a development would not necessarily be readily sited at the edge of a town or service centre. Moreover, permission has already been granted for a major waste management facility at this location. [8.23, 11.3, 11.16]

13.21 The operational impacts of the development would be minimised by the use of negative air pressure within the buildings and a design which would allow, and require, all loading and unloading of material to take place within the buildings.

13.22 For all the above reasons, I conclude that the design of the eRCF is of high quality and that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner.

### **iii. The impact on the character and appearance of the area.**

13.23 My conclusions on this issue are interlinked with my comments on the impact of the development on the living conditions of local residents. My conclusions, at paragraphs 13.66 to 13.85 below, should therefore be read in conjunction with the following comments.

13.24 The site is situated in an area of primarily open, flat countryside, which allows long distance views from some locations. The character of the site and its immediate surroundings is heavily influenced by the remains of runways and buildings from the former Rivenhall Airfield; the nearby excavations at Bradwell Quarry; and blocks of woodland immediately to the south and east of the proposed location of the IWMF. The wider landscape beyond this area comprises gently undulating countryside, characterised by large open fields, small blocks of woodland and discrete, attractive villages. The existing access to the quarry, which would be used to provide access to the IWMF, passes through the Upper Blackwater Special Landscape Area. [2.1, 2.2, 6.77]

13.25 The site of the proposed IWMF and its immediate surroundings is not subject to any special landscape designation and is not, in my judgment, an area of particularly sensitive countryside. Its character as Essex plateau farmland has been degraded by the airfield infrastructure, the nearby quarry and isolated pockets of commercial development in the locality. The principle of a waste management facility at this location served from the A120 is established by the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, and WLP policy W7G suggests that such development may be acceptable. Moreover, as I conclude at paragraph 13.60 below, the RCF permission establishes the principle of large scale waste management at the application site, and the potential environmental impacts of the RCF are a material consideration in the present case. [2.5, 2.7, 6.77, 7.25, 8.16]

13.26 The eRCF has been designed in a manner that would limit its impact on the landscape. The building would be sited below existing ground level and the proposed extension to the access road would be primarily in cutting; the arched roofs of the main buildings would reflect the design of aircraft hangars; cladding materials would be dark and recessive; the green roof of the building would become colonised with mosses; and new hedging together with existing and proposed woodland would help to screen the development.

13.27 Lighting of the development would have some impact on the character of this presently unlit area. Again the design of the development is such that this

impact would be minimised. Most lights would be sited below existing ground level with flat glass luminaires mounted at zero tilt. Outside the hours of 0700 to 18.30 hours, external lighting would operate only in response to movement sensors. The disturbance caused by the coming and going of vehicles would also be reduced by the fact that much of the access road would be in cutting. [6.82-84]

13.28 I deal with the matter of tranquillity at paragraph 13.71 below and conclude that impact of the development on the tranquillity of the area would not be serious, once the construction operations are complete. [6.124, 8.15, 9.5]

13.29 The eRCF would have a slightly greater footprint than the RCF and it would be constructed further into the existing belt of woodland to the south. However, the main difference between the two schemes, in relation to the impact on the character and appearance of the area, would be the addition of the proposed stack. This would be a noticeable and substantial feature. It would rise 35m above existing ground level and be some 7m in diameter. It would, however, be partially screened by woodland to the south, east, and west and by the IWMF building when viewed from the north. Nevertheless, from many locations the top 20 metres of the stack would be visible. Moreover, the topography of the area would enable long distance views of the top section of the stack from some locations. Although the stack would be a relatively minor element in the landscape as a whole, and there would be no visible plume, I consider that it would appear as an industrial feature which would have some detrimental effect on the present lightly developed, semi-rural character of its surroundings. [6.103, 8.20]

13.30 On the other hand, the mitigation measures associated with the development would result in some enhancement of the countryside. The proposed woodland planting would cover a greater area than the area of woodland that would be lost, and the 2kms of new hedgerow would be of particular benefit. There would be a loss of 19.1 ha of existing open habitat, although much of this is not of high quality, and the proposal would provide for the management of remaining areas of habitat and various areas of new habitat. Moreover, the proposal includes the management of existing and proposed water bodies which would enhance the bio-diversity of the area. I also consider that the proposed refurbishment of the derelict listed buildings at Woodhouse Farm would be of benefit to the character and appearance of the countryside. [7.28, 8.19]

13.31 In conclusion, I consider that the eRCF would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, and in this respect it would conflict with the aims of BDLPR Policy RLP78 and EEP Policy ENV2. However, I am mindful that the rural character of the area has already been degraded. Moreover, when compared to the RCF proposals, the main additional impact of the eRCF on the character and appearance of the area would be as a result of the proposed stack. This would have a materially detrimental effect on the character of the area, although as it would be partly screened it would not, in my judgement, be an overwhelming feature in the landscape. Bearing in mind the benefits that would be provided by additional woodland and hedgerow planting, over and above that which would be provided by the RCF development, I conclude that the overall impact of the eRCF upon the character and appearance of the area would be detrimental but limited. By providing these mitigation measures where a detrimental impact is unavoidable, the proposal arguably meets the requirements of EEP Policy ENV2 and I consider that the overall impact would be acceptable. I agree

with the applicants that the limited visual impact arising from such a large-scale proposal suggests that the site is reasonably well located for the proposed use. On balance, I consider that the proposal respects the objectives of PPS7 and the extent of conflict with the guidance is limited. [7.30]

#### **iv. Consistency with PPS10**

13.32 PPS10 seeks a step change in the way waste is handled by moving the management of waste up the waste hierarchy. The guidance indicates that the overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. The eRCF would provide various means of dealing with waste, all of which would help to reduce the need for landfill. The various elements of the integrated plant would recycle waste, produce compost, and create energy from waste.

13.33 Some objectors argue that the development would discourage measures aimed at separating waste at the point of collection, whilst others are concerned that the demand for feedstock for the CHP would discourage recycling and result in certain wastes being managed at a point lower on the waste hierarchy than would otherwise occur. Under certain circumstances, where, for example, overall waste volumes reduced significantly, I agree that the existence of the eRCF could potentially reduce the incentive to separate waste at the point of collection. On the other hand, as markets for recycled waste develop, a reduction in the availability of recycled waste could increase its value and thereby enhance any incentive to separate waste at the point of collection. Similar arguments could be made in relation to feedstock for the CHP. [10.4, 11.16]

13.34 In reality, challenging targets are in place, relating to the recycling and recovery of value from waste, and the elimination of landfilling untreated municipal and commercial waste by 2021. In meeting these targets, I have no doubt that significant waste management facilities with overall capacities greater than that of the eRCF will be required, in addition to the current and future incentives to reduce waste, re-use materials, and separate waste at the point of collection. ECC considers that the type of facility now proposed at the application site will be necessary if it is to meet the national waste objectives set out in PPS10 paragraphs 1 and 3 and the challenging targets set out in EEP Policy MW2. [7.16]

13.35 The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported SRF from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. Although the combustion of waste is only one step above landfilling in the waste hierarchy, the CHP is only one of the facilities that would be available at the eRCF. In my judgment, this integrated plant would allow the anticipated waste arisings to be managed as far up the waste hierarchy as reasonably and practically possible. Moreover, it would significantly reduce the amount of residual waste that would need to be sent to landfill. In these respects the proposal is in accord with the objectives of PPS10. [7.16]

13.36 In relation to the aim of protecting human health and the environment, I consider that by reducing the amount of material sent to landfill; recycling material; and using waste as a resource; the eRCF would be beneficial to the environment and thereby to human health. However, the question arises as to whether the emissions from the plant would conflict with the aim of protecting human health and the environment. I deal with these matters at sections x and xv below, and conclude that the plant could be operated without causing any material harm to human health or the environment. The dispersion modelling assessments undertaken to date show that the risks to human health would be negligible and I am satisfied that this matter would be adequately dealt with by the Environmental Permitting regime.

13.37 Objectors argue that the proposal does not comply with PPS10 because (i) there is no need for a facility of this size; (ii) it would not contribute positively to the character of the area; (iii) it would result in visual intrusion; (iv) the traffic generated on the A120 would be unacceptable; (v) the scheme does not reflect the concerns of the local community; and (vi) it conflicts with other land use policies. I consider the need for the facility in the section below and conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF. In relation to the impact of the proposal on the character and appearance of the area, I conclude at paragraph 13.31 above that although the eRCF would have some detrimental impact on the rural character and attractive appearance of the area, the mitigation measures that would be put in place would reduce this impact to an acceptable level. Similarly, I am satisfied that the condition limiting the daily HGV movements generated by the development to no more than 404, and the provisions of the S106 agreement with regard to traffic routeing, would ensure that the impact of generated traffic on the local road network would be acceptable. [8.58]

13.38 Clearly the local community have deeply held concerns regarding the proposal in relation to a range of matters. However, although planning strategies should reflect the concerns and interests of communities, this requirement applies not only to the immediate local community but the wider community to which the strategies apply. I consider that the design of the scheme, and the mitigation measures employed have addressed the concerns of the community so far as possible and to a reasonable extent. Obviously this has involved a balance in seeking to minimise the impacts of the development whilst making use of the benefits that the development could provide. The eRCF would allow Essex to increase its provision of sustainable waste management, secure increases in recycling and recovery, and reduce carbon emissions. The community's needs for waste management would in part be addressed by the eRCF. [6.108, 6.109]

13.39 I am mindful that the proposal conflicts with some objectives of planning policy. For example, it would result in the loss of some of the best and most versatile agricultural land, and it is not fully in accord with WLP Policy W8A in that the application site is larger than the allocated site and the proposed building is substantially larger than envisaged. However, these matters must be balanced against the benefits of the proposal and other sustainability issues. Moreover, account must be taken of the wide range of mitigation measures which would minimise the impacts of the development.

13.40 Overall, I am satisfied that the proposal is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable

development by driving waste management up the waste hierarchy and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The development would help to reduce carbon emissions and would have benefits in terms of climate change. It would also contribute to the implementation of the national waste strategy. The impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment. In my opinion, the design of the development and the associated mitigation measures would help to support the objectives of sustainable waste management. [6.99, 6.106, 7.31-33]

#### **v. The need for the proposed facility**

13.41 PPS10 indicates that where proposals are consistent with an up-to-date development plan, applicants should not be required to demonstrate a quantitative or market need for their proposal. Although the WLP allocates a site for waste management facilities at Rivenhall Airfield, in accordance with Policy W8A and Schedule 1, the allocated site is far smaller than the application site. Moreover, the size of the proposed IWMF is clearly much larger in area than that envisaged in Schedule 1. Furthermore, Policy W8A requires a number of criteria to be satisfied if waste management facilities are to be permitted. One of these is that there is a need for the facility to manage waste arisings in Essex and Southend. I appreciate that the WLP pre-dates PPS10 and is arguably out of date in that it requires, for example, waste management proposals to represent the BPEO. Notwithstanding this, it cannot be argued that the proposal is fully in accord with an up-to-date development plan. Given the difference in size between the proposed development and the development anticipated on the allocated site, I consider that the need for a facility of the proposed size should be demonstrated. [7.11]

13.42 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. The Plan anticipates provisional median waste arisings for MSW and C&I waste for Essex and Southend, including the required apportionment of London Waste, for the period 2015/16 to 2020/21 to be 3.67mtpa. However, the applicants' need case has been assessed on a more conservative basis, using the 2.4mtpa for 2020/21, which is put forward by the East of England Regional Assembly (EERA) in its report entitled 'Waste Policies for the Review of the East of England Plan' dated 29 June 2009. Nevertheless, as this document is at the consultation stage, the larger EEP figure should be used. Indeed, as the applicants point out, the consultation process on the EERA Report of July 2009 has not yet been completed and subject to examination and therefore the document carries little weight. Accordingly, the 3.67mtpa figure in EEP Policy WM4 is the figure which should be used at present. [6.25]

13.43 In contrast to these figures, the potential treatment capacity of the currently permitted facilities in Essex is only 1.375 mtpa, and there do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. Therefore, even on the basis of the reduced figures in the consultation document, I am satisfied that there is a need in Essex for new facilities to manage both MSW and C&I wastes. The LCG submits that the EEP policies are based on arisings which are not occurring at



present; the actual arisings being lower than estimated. However, I give little weight to the 'Updated Capacity and Need Assessment – Final Report' prepared by ERM for ECC in July 2009, as it contains a number of inaccuracies and will not form part of the evidence base for ECC's Waste Development Document. [6.13 -6.16, 6.30, 7.11-7.13, 8.6]

13.44 Many objectors, including the LCG consider that the capacity of the proposed eRCF is far greater than the perceived need. However, even on the basis of the lower, but disputed, figures for need based on the ERM reports, there is still a need for the proposed MBT facility in terms of MSW and C&I waste arisings. These figures result in a capacity gap of 326,800 tpa, compared to the proposed MBT capacity of 250,000 tpa. Using the reduced EEP figures, the overall treatment capacity gap in 2021 is likely to be between 412,762 and 537,762 tpa even on the basis that the Basildon site and the eRCF is developed. The capacity gap for C&I facilities exceeds the capacity of the proposed development. Moreover, the waste management capacities of the RCF and eRCF are similar for imported waste of similar composition, and therefore the 'need' for the treatment capacity has arguably already been established. [6.4, 6.6, 6.12, 6.25, 8.1, 10.3, 10.17, 11.3]

13.45 The figures put forward by the applicants suggest that without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy. Thermal treatment of residual waste, incorporating CHP, is supported by the WSE 2007 and ECC's OBC 2008. It increases the level of recovery and reduces pressure for additional landfill. The CHP would make use of imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex. Although the LCG argues that this would be a marketable fuel, the SRF could go to landfill if an end user is not found. The LCG submits that the use of the SRF merely meets a secondary or ancillary need. However, ensuring that good use would be made of such fuel meets a material need in my judgment. Moreover, the CHP would reduce the need for landfilling of residuals from the MBT, and by using residues from the paper pulp recovery process as a fuel, it would remove a need for offsite disposal of such material and the potential for it to be sent to landfill. [6.18, 7.16, 7.31, 8.2]

13.46 The LCG argues that there is no primary need for the eRCF because ECC would allow all potential operators to have access to the Basildon site on equal terms and thereby meet its need to deal with MSW arisings at that site. However, the eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. Moreover, I agree with the applicants that the need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable, but because ECC did not have control over it. ECC confirms that the eRCF would provide suitable technology for the proposed ECC waste contract. It submits that the significance of the OBC is that it provides evidence of ECC's need for an operator and site to handle its MSW contract. The eRCF would be able to bid for that contract and the additional competition it would introduce would be welcomed by the WDA. The eRCF could meet ECC's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. [6.10, 6.21, 7.15]

13.47 The treatment capacity gap for C&I waste is such that even if the applicants did not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead is at an embryonic stage. Even it were to proceed, there would still be a need for waste treatment facilities in Essex of a greater magnitude than the capacity of the eRCF. [6.25, 6.28, 11.18]

13.48 It is argued by some objectors that there is no need for the development because recycling rates are increasing throughout the country and the application proposal could undermine efforts to increase recycling. There is no doubt that significant improvements in the separation of waste and subsequent recycling are taking place. This could well reduce the quantity of waste that would need to be sent to a facility such as the eRCF. However, the eRCF has the potential to increase still further the amount of recycling, treatment and recovery of waste in the County, and it seems to me that such facilities will be necessary to help ECC to meet its waste targets. There is no reason why the proposal should obstruct a continued increase in the recycling and recovery of waste. [6.23, 10.2, 10.32, 11.14]

13.49 I appreciate the concern that recyclable material should not be incinerated. Such an approach encourages the treatment of waste at a lower level in the waste hierarchy than need be the case. However, the application proposal would provide facilities to maximise the recovery of recyclable material and there is no reason to believe that materials which could reasonably be recycled would be used as fuel in the CHP.

13.50 With regard to the proposed MDIP, the LCG points out that only about 36% of recovered paper is likely to be suitable for use at the facility. It is argued that the applicants are over ambitious in their approach to the amount of feedstock that would be available. However, I am mindful that there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The proposed MDIP at Rivenhall would be capable of meeting the needs of Essex and the East of England in terms of the recycling and recovery of high quality paper, thus meeting WSE 2007 key objectives. The facility is likely to stimulate greater recovery of high quality paper waste. I agree with the applicants that it would help to divert a significant quantity of paper and card from landfill. At present some 713,000 tpa of such waste is currently landfilled in the East of England. The MDIP would provide a facility to meet the needs of a wider area in accordance with EEP Policy WM3. [6.12, 6.20, 7.17, 8.7-8.12, 10.29]

13.51 In summary, I consider that the eRCF would help to satisfy a substantial and demonstrable need for MSW and/or C&I waste to be dealt with in Essex and for ECC to meet challenging targets set out in the EEP. The individual elements of the integrated plant would also help to satisfy various needs, including the need to move the treatment of waste further up the waste hierarchy and minimise the amount of waste that would otherwise be sent to landfill. I conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF.

## **vi. The viability of the proposal**

13.52 Objectors question the viability of the scheme as a whole, and in particular that of the proposed MDIP. They point out that a full viability appraisal has not been provided by the applicants. Sufficient feedstock for the MDIP would not be available within the East of England Region and the operators would be reliant on their ability to offer competitive prices for feedstock. Furthermore, it is argued by objectors that it would be cheaper to produce pulp on the same site as a paper mill in an integrated paper production process. This would remove the need to dry the pulp prior to transportation. [8.11-8.13]

13.53 Clearly the proposed MDIP would require a large amount of feedstock. This would increase the demand for high quality paper waste and could well lead to an increase in the price of such waste on the open market. However, this, in turn could encourage increased recovery of high quality paper waste and ensure that better use is made of such waste.

13.54 The applicants submit that there is genuine commercial interest in the eRCF proposals from potential operator partners and key players. They point out that negotiations are presently taking place in relation to various aspects of the proposed MDIP, but these are commercially confidential. This is understandable given the present status of the scheme. Notwithstanding this, it seems to me to be a logical argument that the capital cost of the MDIP would be less than a stand alone facility, as it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. I accept that the cost savings achieved by using heat and electricity generated by the CHP are likely to outweigh the additional costs of drying the pulp and transporting it to a paper mill. I have no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal. [6.42]

13.55 The applicants point out that the planning regime does not normally require a developer to prove viability. It is submitted that the issue of viability has arisen primarily because of EEP Policy WM3, which, although seeking a reduction in the amount of waste imported into the region, acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. However, the policy indicates that allowance should only be made for such facilities where there is a clear benefit, such as the provision of specialist treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes. In relation to Policy WM3, viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*". At paragraphs 13.144 – 13.149 below, I consider Condition 30 which seeks to restrict the amount of feedstock for the MDIP from outside the region. I conclude in that section that 50% of the feedstock should be sourced from within the region. On that basis, the issue of viability does not arise in relation to Policy WM3.

## **vii. The fallback position**

13.56 Objectors argue that little weight should be placed on the extant permission for the RCF as there is no evidence that it would be implemented. It is pointed out that ECC resolved to approve the application for the RCF in 2007, yet planning permission was not granted until 2009 after the completion of the relevant

S106 agreement. Moreover, it is claimed that the applicants have described the RCF as an indicative scheme and acknowledge that it no longer represents the most suitable technology having regard to the JMWMS. Objectors point out that there is no evidence of detailed marketing or negotiations between the applicants and a waste operator, and to date no steps have been taken to implement the permission. [8.49-51]

13.57 The applicants have made no secret of the fact that they wish to provide a facility at Rivenhall airfield that would be capable of winning a major contract to deal with MSW arising in Essex. It seems to me that the eRCF is a major amendment to the RCF intended to maximise the chances and capability of winning a contract to deal with MSW arising in Essex. It is understandable that the applicants seek to build a facility that would be capable of dealing with as wide a range of waste as possible. A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the project.

13.58 However, there is no overriding evidence that the RCF would not be viable. On the contrary, it seems to me that it would be capable of dealing at least with a substantial element of the County's MSW, and if this work failed to materialise it would be capable of dealing with C&I waste. ECC indicate that the RCF is consistent with, and would further, the aims of the JMWMS. [6.8, 7.15, 7.48]

13.59 Although the RCF proposal was put forward some years ago, the permission is recent and up to date. It is not surprising that details of any negotiations between the applicants and waste operators in relation to the building and operation of the RCF have not been put before the inquiry, partly because of commercial confidentiality and partly because of the present uncertainty regarding the outcome of the planning application for the eRCF. It is conceivable, if not likely, that any such negotiations regarding the RCF are on hold until the fate of the eRCF proposal is determined. [6.9]

13.60 For these reasons, I consider that there is a reasonable prospect of the RCF proposal being implemented in the event that the eRCF proposal is refused. Accordingly, I conclude that the RCF permission establishes the principle of large scale waste management at the application site, and that the potential environmental impacts of the RCF are a material consideration in the present case. [6.6, 7.49]

#### **viii. The flexibility of the development**

13.61 It seems to me that if a proposal is to be sustainable and economically viable in the long term, one of its attributes must be a degree of flexibility to accommodate future changes in waste arisings and in waste management techniques and practices. I agree with the SWFOE that the achievement of recycling targets will change the amount and constitution of residual waste. [10.2]

13.62 The SWFOE argues that as incinerators normally have a 25 year life span and require a constant supply of fuel, the whole eRCF system would be very inflexible. Objectors to the eRCF point to a need for flexibility in dealing with waste in future. Moreover, I note that Chapter 5 paragraph 23 of WSE 2007 indicates that

building facilities with an appropriate amount of flexibility is one of the keys to ensure that high rates of recycling and EfW can co-exist. [10.4, 10.24, 11.14]

13.63 I am mindful that the eRCF would have multiple process lines. For example, the MBT would have five autonomous process lines. The applicants argue that each of the facilities would have an inherent flexibility of capacity. The MRF would have the ability to allow rejects from one process line to become the feedstock of another. Moreover, minor modification to the MDIP would allow the facility to produce tissue paper pulp and it would be possible to introduce secondary treatment of the sludge from the MDIP to recover an aggregate. [6.97]

13.64 It is arguable that the integrated nature of the proposed eRCF; its exceptionally large scale; and the very significant amount of investment that would obviously be needed for its development would, in combination, result in a degree of inflexibility. On the other hand, the modular nature of the design, the flexibility of capacity of each process, and ability to make alterations to various modules would allow the eRCF to be adapted to varying compositions of waste. Moreover, the multiple autonomous process lines would allow a particular process to be upgraded in stages if necessary. For example, a CHP process line could be upgraded or replaced without shutting down the entire CHP process. In this respect, the large scale of the development provides opportunity for changes to be made to the process without endangering the overall viability of the operation.

13.65 On balance, I consider that the design of the proposal and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated. In this respect, the scheme would not be detrimental to the achievement of increased rates of recycling.

#### **ix. The effect on the living conditions of local residents**

13.66 The eRCF proposal has the potential to cause harm to the living conditions of local residents in a number of ways. Some of the impacts are dealt with in other sections of these conclusions. I consider the issues as follows:

##### *Noise and disturbance*

13.67 Objectors point out that existing noise levels in the locality are low. It is especially quiet at night. The main potential sources of noise and disturbance from the proposal arise from the construction process, the operating of the IW MF, and from traffic generated by the development. It seems to me that the greatest potential is likely to be during the construction phase. This is the period when maximum noise levels are predicted. The applicants have used the three suggested methods of assessment given in BS 5228:2009 Part1: Noise to consider the impact of construction noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A). Moreover, the assessment of construction noise has been undertaken on a worst case scenario, as the work would include excavations, and it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than predicted. [6.122, 6.123, 8.39, 8.40]

13.68 I agree with the applicants that the potential for noise from vehicle reversing alarms and the sounding of vehicle horns could be adequately controlled by appropriate management of the site.

13.69 Noise and disturbance generated by the operation of the plant would also be mitigated by the low level siting of the development and the partial screening provided by bunding. The waste management operations would be undertaken within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise, and vehicles would enter and leave the building through high speed action roller shutter doors. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays. The assessment of operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and 22 to 30 dB(A) for night time periods. I am satisfied that such levels of noise would not have a material impact on the amenity of local residents. [6.123]

13.70 A significant proportion of the proposed extension to the access road would be in cutting, which would help to attenuate the noise of HGVs on this road. Moreover, lorries would be unloaded and loaded within the environmentally controlled buildings. The applicants point out that the change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1dB. [6.125]

13.71 With regard to the tranquillity mapping described by the CPRE, the applicants argue that the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil. On the other hand, the version of the map supplied by the CPRE suggests that it is nearer the tranquil side of the scale. From my inspections of the site and its surroundings I am inclined to agree with the CPRE on this point, when considering noise. Although I conclude that the development would not have an unacceptable impact on the residential amenity of local residents as a result of the generation of noise, it seems to me that the development would have some detrimental impact on the present tranquillity of the area. However, bearing in mind the reasonably low levels of noise that would be generated, particularly during the operating phase of the facility, I am not convinced that the impact on tranquillity would be serious, once the construction operations are complete. [6.124, 9.4]

#### *Air quality, odour and dust*

13.72 Objectors are concerned about the impact of the development on air quality as a result of emissions from the stack; odours from the operations of the IWMF; and from additional traffic generated by the development. With regard to air quality, the SWFOE points out that no predictions have been provided for PM<sub>2.5</sub>. However, as indicated at paragraph 13.91 below, even if all particles emitted from the eRCF were assumed to be PM<sub>2.5</sub> the predicted maximum concentrations of such material would be 0.14 µgms/m<sup>3</sup> which is significantly less than the target value of 25µgms/m<sup>3</sup>. [6.118, 10.13, 10.46]

13.73 Objectors submit that traffic emissions should have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than the guidance in the Design Manual for Roads and Bridges (DMRB). [10.13]

13.74 As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. Notwithstanding this, the applicants point out that the environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. Dispersion modelling has been used to predict airborne ground level concentrations of emissions from the stack. Certain emissions would be continually monitored, whilst others, which cannot be monitored continuously, would be monitored on a regular basis. The impact on air quality from stack emissions would be minimised by the use of exhaust gas scrubbing facilities and filters. No visible plumes are predicted to be emitted from the stack. [6.48, 6.51, 6.112, 6.114, 6.116]

13.75 The reception, shredding and sorting of waste, and the MBT processes, would be carried out within buildings which would operate under negative air pressure, thereby allowing odours and dust generated by these processes to be dealt with within the IWMF. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised, which would help to reduce the amount of odour generated within the plant. I am satisfied that current pollution control techniques would ensure that odour, dust and bio-aerosol emissions from the operations would not cause harm to human health or local amenity. [5.24]

13.76 As regards vehicle emissions, I am mindful that the total number of HGV movements associated with the operation of the proposed eRCF would not exceed 404 per day. Nevertheless, an assessment of the air quality impacts due to this traffic has been undertaken using the DMRB methodology. This demonstrated that traffic related pollutant ground level concentrations would be very small, even if it were assumed that all of the traffic associated with the IWMF accessed the site from an easterly or westerly direction. Although SWFOE argues that air standards legislation should have been the definitive requirement, I am mindful that the number of HGV movements would not increase from that already permitted for the RCF. Notwithstanding this, the DMRB assessment shows that the impact of vehicle emissions on air quality would not be significant. [6.117, 10.13]

#### *Litter*

13.77 A number of objectors are concerned that the proposal would lead to problems of litter and would attract vermin. However, waste would be delivered in enclosed vehicles or containers and all waste treatment and recycling operations would take place indoors under negative air pressure with controlled air movement regimes. I consider that these arrangements would ensure that litter problems would not arise and that the operation would not attract insects, vermin and birds. [5.24, 11.8]

#### *Light Pollution*

13.78 Many objectors are concerned that the eRCF would cause light pollution in an area that is light sensitive. However, outside the working hours of 0700 to 1830

there would be no external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes. The LCG is sceptical as to whether such an arrangement would be practical. However, I see no reason why the plant could not be operated in this way. Internal lights would either be switched off or screened by window coverings during night time operations. Moreover, it is intended that external lighting levels would have an average luminance of 5 lux. The applicants indicate that external lighting units would be sited a maximum of 8m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. Given the depth of the excavation in which the buildings would be sited, it would appear that most lights would be sited below surrounding ground level. Moreover as the proposed extension to the existing access road would be constructed in cutting, lights from vehicles travelling to and from the eRCF on this section of the road would be screened from view. [6.83, 6.84, 8.44-47, 9.29, 11.13, 12.16]

13.79 Nevertheless, I am mindful that there is little or no artificial light at present in the vicinity of the site and that the area is valued by local residents for its clear skies in terms of light pollution. Even with the measures proposed by the applicants, it seems to me that the development could well create some light pollution and thereby cause some detriment to the amenities of the area in this respect. However, I consider that the proposed lighting arrangements, (which could be adequately controlled by condition as discussed in paragraph 13.153 below) would limit this impact to an acceptable level. In the wintertime there would be some impact during the hours of 0700 to 1830, but this would be kept to a minimum by the proposed methods of external lighting. Outside those hours, light pollution would occur on a relatively infrequent basis for short periods. As I indicate below, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised.

### *Outlook*

13.80 I deal with the visual impact of the development on the landscape at paragraphs 13.23 – 13.31 above. The siting of the IWMMF below ground level would significantly reduce the visual impact of the proposed building that would otherwise occur. Moreover, the proposed dark colour and green roof of the main structure would make the buildings recessive and help them to blend into the background. The roof of the proposed IWMMF and the stack would be visible from properties on the eastern edge of Silver End, from Sheepcotes Lane and Cuthedge Lane. Sheepcotes Farm is probably the closest to the site, being about 600 metres to the west. However, that dwelling is screened from the site by tall conifer hedging and is situated close to Hangar No 1 on the airfield, and the existing telecommunications tower. It seems to me that the development would have little impact on the outlook from this dwelling. [6.78]

13.81 There are a number of dwellings in Silver End from which the site would be visible, including the listed dwelling known as Wolverton. However, these dwellings are at least 1km from the application site. Bearing these distances in mind and the intervening vegetation, I consider that the development would not have a serious impact on the outlook presently enjoyed from these dwellings. In reaching this conclusion, I have had the benefit of visiting the area on a number of occasions and the evidence presented in relation to the various montages.



13.82 Dwellings such as Herons Farm, Deeks Cottage, and Haywards Farm are sited off Cuthedge Lane to the north of the application site. There would be a noticeable deterioration in the existing view from Deeks Cottage. The applicants recognise that Deeks Cottage would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation, although they consider it to be the only property that would be affected to such an extent. Herons Farm appears to be partially screened from the application site by a bund presently in place to screen the existing quarrying operations, although this bund is likely to be removed in due course. These dwellings are between about 700m and 1km from the site of the proposed IWMF. Although there would be some detrimental impact on the outlook from these properties, I again consider that it would not be so serious that planning permission should be withheld for this reason. Given the distances between the properties, the flat nature of the intervening ground and the measures taken to reduce the visual impact of the development, it seems to me that the proposal would not be an overbearing or unacceptably intrusive feature in views from these properties. [2.13, 6.79, 8.20, 9.10, 9.11, 9.13]

13.83 Views of the top of the proposed stack would be visible from properties to the south of the application site in the vicinity of Western Road and Parkgate Road. However, these dwellings are well over 1km from the application site and in most cases there are significant blocks of woodland between the dwellings and the site. I consider that the views of the top of the stack that would arise from this direction would have no serious impact on the outlook from these dwellings.

13.84 Long distance views of the development would be possible from some locations on high ground to the north of the A120. Similarly, long distance views of the top of the proposed stack would be possible from some properties between Coggeshall Hamlet and Kelvedon. However, the views of the development would be so distant that it would have no significant impact on the general outlook from these properties. [8.21]

#### *Conclusion on impact on living conditions*

13.85 There would be some detrimental impact on the living conditions of occupiers of residential properties in the locality. There would be an increase in the level of noise in the area, although this would primarily be confined to the construction phase and even then would be well within acceptable limits. There would also be some impact on the tranquillity of the area and a small increase in light pollution, although these would be limited and minor. I am satisfied that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour. The outlook from a small number of properties would be detrimentally affected, but again the impact would be relatively minor. Overall, I conclude that the proposal would not have an unacceptable impact on the living conditions of local residents.

#### **x. The risks to human health**

13.86 Many local residents have expressed fears that the eRCF would lead to deterioration in air quality and would present a risk to human health. The SWFOE argues that dioxins cannot easily be continuously monitored and escapes could occur between monitoring sessions. However, the applicants point to the advice in PPS 10

that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The human health modelling presented in the Addendum ES indicates that the risks to human health from the proposed eRCF would be negligible. The predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark. [6.112, 10.13, 10.46, 11.14]

13.87 Dispersion modelling, used to predict airborne ground level concentrations, shows that with a stack height of 35m (above existing ground levels), the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated because, for the purposes of the model, the emissions of arsenic were assumed to be at the same level as the whole of the group of nine metals within which it fell in the assessment. This was an extreme worst case assumption, and considered by the applicants to be implausible, as it could result in an emission nine times the emission limit for the group of metals as a whole. The applicants argue that it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack. [6.113]

13.88 Although this approach would rely heavily on the monitoring of emissions to ensure that there is no risk from emissions of arsenic, I am mindful that the assessment uses a new and far more stringent air quality limit for arsenic, which is not due to be implemented until 2012. Moreover, realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment. I note that the EA and the Primary Care Trust have not raised objections to the proposed eRCF [6.114, 7.33]

13.89 The LCG and CG point out that there is a statutory requirement to ensure that air quality is not significantly worsened, yet the emission of contaminants from the IWMF would result in deterioration of air quality. I am mindful of the advice in PPS23 that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. As I conclude at paragraph 13.158 below, it is unfortunate that further progress has not been made in discussions between the EA and the applicants regarding the height of the stack that would be necessary. Nevertheless, the EA does not appear to have an objection in principle to the IWMF. The applicants point out that as a requirement of the Environmental Permit (EP), they would have to demonstrate that the eRCF would not have a significant impact on local air quality and human health. This could be achieved by means other than increasing the stack height. In fact, a dilute and disperse approach by using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions. Preference is given to abatement and the reduction of emissions at source. The applicants submit that the CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality. [6.49, 8.41, 9.22]

13.90 With regard to traffic emissions, the CG points out that there are high levels of NO<sub>x</sub> at the junction of the A12 and A120 at Marks Tey. It is one of 18 air quality hot spots in the county and the additional HGV movements associated with the IWMF would exacerbate this situation. However, the proposed 404 additional

HGV movements associated with the eRCF are the same as that proposed for the RCF, for which planning permission has already been granted. Although the DMRB screening criteria does not require a detailed air quality assessment in this case, an assessment was undertaken using the DMRB methodology as a result of concerns about possible changes in the split of traffic on the A120. Even with an extreme assumption that all of the development traffic accessed the site from a single direction, it was shown that development traffic would not have a significant impact on air quality.

13.91 The SWFOE is concerned that no predictions have been provided for PM<sub>2.5</sub> and a limit value of 25µgms/m<sup>3</sup> for PM<sub>2.5</sub> is likely to be introduced into the EU Air Quality Directive before 2015. However, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM<sub>2.5</sub>) the predicted maximum concentrations of such material would be 0.14 µgms/m<sup>3</sup> which is significantly less than the target value of 25µgms/m<sup>3</sup> and effectively negligible. [6.118, 10.13]

13.92 The Human Health Risk Assessment (HHRA) indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA, although the applicants had undertaken a survey beforehand to establish which pathways were likely to be realistic. This indicated that meat production does not take place in the immediate locality. Nevertheless, additional modelling was undertaken to include the ingestion of homegrown pork and beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible. [6.119]

13.93 Despite the results of the assessments undertaken by the applicants, many local residents remain concerned about the potential health risk of emissions from the eRCF. Local residents' fears about the harmful effects on health of such a facility are capable of being a material consideration, notwithstanding that there may be no objective evidence to support such a fear. By itself, unfounded fear would rarely be a reason to justify withholding planning permission. Nevertheless, it seems to me that the anxiety caused by the potential risk of pollutants, even though the physical health risks may be negligible, could have an impact on the well being and the living conditions of local residents.

13.94 Many residents would like to see regular monitoring of air quality at specified receptor locations as a means of providing assurance regarding the risk of health from emissions at the plant. I can see merit in this approach but I have to accept that such measurements may not provide results which accurately reflect the impact of emissions from the eRCF. I consider the matter at paragraph 13.162 below and conclude that more meaningful and accurate measurement of emissions from the plant would be obtained by regular monitoring of emissions from the stack itself. This would have the advantage of providing emissions data for a wide area, rather than at a few specific locations, and would ensure that the collected data related to emissions from the plant. The S106 agreement would ensure that such information would be available to local residents by means of the proposed Site Liaison Committee. [6.114, 8.43, 12.23]

13.95 In conclusion, I am satisfied that the plant could be operated without causing any material harm to human health, and that this matter would be

adequately dealt with by the Environmental Permitting regime. Despite this, the concern of local residents regarding the risk to health, albeit unfounded, would remain as a detrimental impact of the development. Nevertheless, these fears would be ameliorated to some extent by the proposed arrangements for the results of monitoring of emissions to be provided to the Site Liaison Committee.

#### **xi. Highway Safety and the Free Flow of traffic**

13.96 As previously indicated, the impacts of the present proposal must be considered in the light of the extant permission for the RCF, which in my judgment provides a fall back position. In relation to the RCF there would be no control on the daily number of HGV movements by means of a condition. Notwithstanding this, the applicants indicate that the eRCF would generate no more than the 404 daily HGV movements anticipated in relation to the RCF. In this respect it is arguable that the proposal would have no greater impact than the scheme already permitted. [6.68]

13.97 The access road that would serve the development would link directly onto the A120, which is part of the trunk road network. The S106 agreement provides for traffic routeing arrangements to ensure that HGVs travelling to and from the site use a network of main roads and thereby avoid the local road network. Local residents argue that the A120 is frequently congested and the additional traffic generated by the development would exacerbate this situation. Moreover, it is argued that it would not be practical to enforce the traffic routeing arrangements and that HGV drivers would use the local road network to gain access to and from the site where a shorter route was available, or when the main road network was congested. The LCG submits that vehicles would be arriving from a wide range of places and that the eRCF operator would not have control over many of these vehicles. [8.37, 9.15, 10.38, 10.39, 10.44, 10.46]

13.98 I agree that many of the local roads in the area are narrow, winding and unsuitable for use by HGVs. However, the applicants point out that the eRCF would not be open to the public and the operator would have control over deliveries and the despatch of material to and from the proposed plant. Under such circumstances, I am satisfied that it should be possible to ensure that traffic routeing arrangements are enforced. [6.68, 9.17]

13.99 There is no doubt that volumes of traffic on the A120 are such that the road has reached its practical capacity and sections are regularly congested. However, as the applicants point out, for the most part this congestion occurs at peak times and the road should not necessarily be regarded as unable to accommodate additional traffic. During my site visits, I saw queues developing at peak times, particularly near Marks Tey where the A120 meets the A12. However, on most of these occasions, traffic continued to move, albeit slowly, and the levels of congestion were not unduly serious. Nevertheless, these were merely snapshots on particular days and I have no doubt that far more serious congestion occurs on a not infrequent basis. [6.71, 8.32, 9.16]

13.100 Notwithstanding this, it is likely that much of the traffic associated with the eRCF would travel outside peak periods and would not add to congestion problems. It must also be remembered that by restricting daily HGV movements to no more than 404, the proposal would not increase volumes of traffic over and above the figures associated with the RCF which has already been approved.

13.101 Many objectors doubt whether the eRCF could operate at full capacity with only 404 daily HGV movements. I have some sympathy with this argument as it was previously anticipated that the RCF would also generate 404 daily HGV movements, yet the RCF would involve the movement of 906,000tpa of material compared to the 1,272,075tpa associated with the eRCF, an increase of about 40%. The applicants have derived the HGV movements for the eRCF on the assumption that each lorry would be carrying the maximum weight permitted for that vehicle, arguing that there is no reason to believe that the operator or hauliers would wish to operate on the basis of sub-optimal loads. This is a logical argument, although I have some concern as to whether the calculations are somewhat theoretical and idealised, and do not make sufficient allowance for contingencies. [6.68, 8.28, 8.30, 11.7]

13.102 The applicants submit that there is no evidence that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. This may be so, although it seems to me that the Highways Agency may well have required further information when consulted on the scheme, if the generation of HGVs was anticipated to be significantly greater than 404 movements per day. Notwithstanding this, the applicants have willingly agreed to the proposed planning conditions limiting the number of daily HGV movements to 404, and are satisfied that the eRCF could be operated economically and viably with such a restriction. They argue that the number of vehicle movements can be minimised by the use of 'back hauling' (i.e. using the same lorries that deliver material to the site to carry material from the site). [6.69, 8.31]

13.103 The site access road has junctions with Ash Lane and Church Road. Although there have been accidents at these junctions, it appears that the number of incidents have been few in number and it does not seem to me that the accident record is of serious concern. I note that the Highway Authority did not object to the application. The proposal would result in improvements at the junctions, and given the low volumes of traffic on the two local roads, I consider there is no reason to justify withholding planning permission for the development on the grounds of road safety at these junctions. [6.73, 6.74, 8.35, 9.18, 11.2]

13.104 For all of the above reasons, I conclude that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network.

## **xii. The impact on the local right of way network**

13.105 The network of footpaths in the area is well used. Three footpaths, including the Essex Way, cross the existing quarry access road. The proposed extension of the access road would cross footpath 35. Footpath 8 passes alongside the complex of buildings at Woodhouse Farm. [2.15, 8.18, 9.4]

13.106 Walkers on footpath 8 would pass close to the IWMF. Apart from seeing the stack, they would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in wintertime when many trees would have lost their leaves. A hedge would partially screen views from footpath 35, although it

is likely that walkers on footpath 35 would, on occasions, have views of part of the front of the building, which would be some 200m wide and 20m in height. The applicants acknowledge that users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. [6.79, 8.18, 9.25, 9.31]

13.107 As indicated above, I have no doubt that the development would have some harmful effect on the present rural character of the area. This impact would be apparent to users of the footpath network. Moreover, the comings and goings of vehicles serving the site and activities at the site would also have a detrimental impact on the present tranquillity of the area. Nevertheless, these impacts would be ameliorated by the various mitigation measures such as hedge and woodland planting; the proposed dark colour of the building; the proposed green roof; the siting of the extension to the access road and the IWMF building itself within cutting (which would help to control noise and visual impact); and the intention to undertake all operations within environmentally controlled buildings. Overall, I consider that the impact on the right of way network would be detrimental but not to an unacceptable degree. [6.48, 6.89, 6.120]

### **xiii. Ground and surface water**

13.108 The SWFOE submits that the proposed MDIP would require water over and above that obtained from recycling and rainwater collection. It is argued that water abstraction could have an impact on the River Blackwater and that a water study should have been undertaken to assess the impact of water requirements. Other objectors are concerned that the proposed eRCF could result in contamination of ground and surface water. [10.7, 11.9, 11.14, 12.28]

13.109 I am mindful that the proposals include the on-site collection, recirculation and treatment of water, minimising the need for fresh water. All surface water outside the buildings would be kept separate from drainage systems within the buildings. All drainage and water collected within the buildings and used in the Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, from licensed abstraction points, or obtained from the utility mains. Moreover, ground water monitoring would be undertaken and the results made available to the Site Liaison Committee. Bearing in mind the proposed methods for dealing with water; the monitoring that would be undertaken; the 1.5 km distance between the proposed IWMF and the River Blackwater; and the geology of the area with its significant clay strata, I conclude that the development could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater. [5.27, 7.35,]

13.110 A number of objectors are concerned that the excavations involved in the development would result in the dewatering of soils to the detriment of existing trees and vegetation. However, the geology of the area suggests that existing trees rely on surface water, rather than ground water in the substrata. Clay is the dominant material in the soils beneath the woodland blocks. Woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The trees are not dependent upon the groundwater locked in any aquifer below ground, but are

reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any localized lowering of the water table as a result of excavations would have little impact on vegetation. [6.80, 8.26, 11.4, 12.20]

#### **xiv. Loss of agricultural land**

13.111 The development would result in the loss of almost 12ha of Grade 3a agricultural land, and in this respect the proposal is in conflict with local and national planning policies. However, there would be a similar loss if the RCF were constructed. Moreover, the impact of such a loss of best and most versatile agricultural land must be balanced against other sustainability considerations. [6.67, 6.105, 8.55, 8.58, 11.4, 11.13]

13.112 Although a loss of such agricultural land should be avoided where possible, ECC points out that the emphasis in the last 5 years has moved to soil resource protection. Soils stripped from agricultural areas would be re used sustainably. It would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry. The proposed loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. Moreover, Woodhouse Farm is unoccupied, and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime. It is also noteworthy that Natural England did not object to the proposal. For all these reasons, I conclude that the loss of Grade 3a agricultural land in this case is not an overriding issue. (6.105, 7.29)

#### **xv. Habitats, Wildlife and Protected Species**

13.113 About 19.1ha of open habitats would be lost. However, a large proportion of these are of low ecological value being arable land, species poor semi-improved grassland and bare ground. Mitigation measures include the planting of 1.8ha of new species rich grassland together with the provision of a further 1ha of managed species rich grassland to the east of Woodhouse Farm outside the Planning Application area. Moreover, the green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat. Bearing in mind that the new habitats would be the subject of an Ecological Management Plan, I agree with the applicants that the overall residual impact of the development is likely to be positive in terms of the value of open habitat. [5.20, 6.89, 6.90, 7.28, 11.2, 11.5].

13.114 Although between 1.6 and 1.7ha of existing woodland would be lost, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerows. Objectors are concerned that the rate of growth of new vegetation is unlikely to be rapid and point out that the applicants accept that it would take up to 40 years to effectively replace some of the lost woodland. In the short term, I agree with objectors that the loss of woodland is likely to outweigh the positive impacts of the new planting. However, I note that the retained woodland would be managed to improve its diversity and screening quality. Bearing this in mind and the significant amount of new woodland and hedgerow to be planted and managed, it seems to me that the overall effect would be positive within a reasonably short space of time, despite the time necessary for woodland to provide significant screening. Certainly, in terms of habitat value the provision of additional

woodland and hedgerows would outweigh the loss of existing woodland within a short period. [5.19, 6.78, 6.90, 6.92, 7.28, 8.17, 8.20, 9.27]

13.115 With regard to protected and otherwise notable species, surveys have revealed that several species of bat utilise the site. In addition a small population of great nested newts were found and a range of bird species breed in the area. Brown hares can be found on the site. However, surveys for badger revealed only the presence of latrine sites. [6.88, 9.4]

13.116 Without mitigation the development would have a detrimental impact on protected species. However, the development includes a range of mitigation, compensation and enhancement measures. A number of ponds would be managed in the interests of great crested newts; bat boxes and various nesting boxes for birds would be provided; and buildings would be refurbished to provide specific roosting opportunities for bats. In addition habitats would be managed and created to provide foraging opportunities. I am satisfied that these and other measures would ensure that disturbance to protected species would be minimised or avoided. [6.88, 6.89]

13.117 Bearing in mind that the proposal includes the management of existing and proposed water bodies; the creation and management of new habitats; and the planting of woodland and hedgerows, I consider that overall it would enhance the bio-diversity of the area. [7.28]

#### **xvi. The impact on Listed Buildings and the Silver End Conservation Area**

13.118 When considering development proposals which affect a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. There can be no doubt that the proposed development would cause some harm to the setting of the Listed Building complex at Woodhouse Farm. The close proximity of such a large development, with its associated lighting and parking facilities, and the visible presence of the chimney stack would have some detrimental effect upon the rural setting which the building presently enjoys. In addition the movement of such a large number of HGVs in the locality would be likely to create some noise and disturbance and generate a sense of activity in the immediate locality. However, I must bear in mind the fall back position arising from the extant planning permission for the RCF and the fact that the existing rural character of the area is already compromised to some extent by the presence of the remnants of the former airfield; the nearby scrapyards at Allshot's Farm; and the ongoing mineral workings at Bradwell Quarry which are likely to continue until 2021. [2.5, 2.7, 4.4, 8.18, 8.19, 11.10]

13.119 More importantly, I am mindful that the Woodhouse Farm complex is in an extremely poor state of repair and that the site of the complex is overgrown, derelict and untidy. The proposal to refurbish the buildings and bring them into meaningful use would, in my judgment outweigh any harmful impact on the setting of the complex that would be caused by the IWMMF development. [2.6, 7.43, 9.7]

13.120 The setting of the Listed Building at Allshot's Farm is already severely compromised, in my judgment, by the presence of the nearby vehicle scrapyards.



Bearing in mind that this building is a further 400 metres beyond the Woodhouse Farm complex, I consider that the presence of the proposed development would have little or no impact on Allshot's Farm and its present setting would be preserved.

13.121 The listed building at Sheepcotes Farm is about 600m from the proposed IWMF. At present there is a tall conifer hedge at the rear of the plot which screens the farm buildings from the airfield. Moreover, the setting of the building is already influenced by the presence of the nearby former airfield hangar; the existing telecommunications tower; and the former runways of the airfield. The construction and operation of the IWMF would have some detrimental impact on the setting of Sheepcotes Farm. However, given the distance to the application site, the present conifer screening and the impact of existing development, I conclude that the effect of the proposed IWMF on the setting of the building would be minimal. [2.10, 9.13]

13.122 The other listed buildings in the locality, and the edge of the Silver End Conservation Area are at least 1km from the site of the proposed IWMF. Given these distances; the siting of the proposed IWMF and access road extension below existing ground levels; and existing intervening vegetation, which in some cases would provide significant screening, I am satisfied that the IWMF and its operations would have only a minor impact on the setting of these buildings and the conservation area. Moreover, because of the proposed hedgerow and woodland planting, and other landscaping works associated with the development, I consider that the scheme as a whole would preserve the settings of these buildings and of the conservation area. [2.9, 2.11, 2.12, 7.46, 9.12, 9.26, 11.15]

13.123 Section 72 of the above Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 4.14 of PPG15 indicates that the desirability of preserving or enhancing the area should also be a material consideration when considering proposals which are outside the conservation area but which would affect its setting, or views in or out of the area. Bearing in mind my conclusion that the scheme as a whole would preserve the setting of the conservation area, I am satisfied, for the same reasons that it would also preserve the character and appearance of the Silver End Conservation Area. [6.137, 9.6, 9.8]

#### **xvii. The historic value of the airfield**

13.124 A number of objectors are concerned about the impact the development would have upon the historic value of the airfield. However, much of the airfield and its military buildings have disappeared. The applicants submit that the airfield is not a particularly good surviving example of a World War II military airfield. I have no detailed evidence which contradicts this view. The airfield facilities themselves are not designated or protected in any way. [6.77, 6.138, 10.36, 11.15]

13.125 I note that the provision within the S106 agreement relating to the Woodhouse Farm includes for an area to be set aside within the refurbished complex for a local heritage and airfield museum. In my opinion, this would be a practical method of recognising the contribution made by the airfield to the war effort and would be commensurate with the historic value of the site. I can see no justification for withholding planning permission at this site because of its historic value as an airfield. [5.13, 12.24]

## **Other matters**

13.126 With regard to the suggestion put forward by Feering PC that provision be made for a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering, I agree with the comments made in the ECC committee report of 24 April 2009 (Document CD/2/12A), that to require a contribution for such development would not be in accord with the criteria for planning obligations set out in Circular 05/2005. The application site is not located in a flood risk area and the scheme would have no impact upon the flows of the River Blackwater. [11.23]

## **Mitigation measures**

13.127 As indicated above, the development would have some harmful impact on the environment. It would result in a loss of existing habitat, both open and woodland. It would generate a degree of activity, noise and disturbance, light pollution, potentially some odour, and would be detrimental to air quality as a result of the emissions from the plant and the HGV traffic that would be generated. It would result in a loss of Grade 3a agricultural land and would have a visual impact on the landscape, not least from the proposed chimney stack. The perceived risk to human health also represents a negative impact, albeit that I am satisfied that any such risk would be negligible and does not justify such fears.

13.128 In my judgment, the proposals include measures that would substantially mitigate these impacts. Moreover, the imposition of suitable conditions, IPPC control and the provisions of the S106 agreement would ensure that such impacts were kept within acceptable limits. In particular, I am mindful that the additional woodland planting, the proposed hedge planting and provision of replacement habitats, including the lagoon, the green roof of the building, and other features would mitigate against the loss of woodland and habitats. These features, in combination with the siting of much of the access road within cutting, the main building within an excavated area, the design of the main building in the form of two vast hangars, the siting and partial screening of the stack, would significantly mitigate the visual impact of the development within the landscape and the impact on the character of the area.

13.129 It seems to me that the impacts should be considered in the light of the extant permission for the RCF which provides a fall back position. On this point, I am mindful that there would no control on the number of HGV movements generated by the RCF in terms of a planning condition.

## **Overall conclusion**

13.130 Although the development would cause harm in a number of ways, I consider that the proposed mitigation measures would ensure that such harm would be minimised to such an extent that there would be no unacceptable harm either to the environment or to the local population. On the other hand, the proposal would provide a range of important benefits, not least a means of undertaking waste management in a sustainable manner which would assist in meeting the challenging waste management targets set out in the EEP. Overall, I consider that the scheme's conflict with a small number of planning policies is far outweighed by the support given by a range of other planning policies and, on balance, it seems to me that the proposal is in accord with the development plan and Government guidance.

## Conditions and obligations

13.131 I shall recommend that planning permission be granted for the eRCF subject to conditions. In the event that the SoS agrees and decides to grant planning permission it seems to me that such permission should be subject to the conditions set out in the central column of Appendix B of this report. The appendix is based on the final draft of the suggested list of conditions put forward by ECC (Document ECC/8). I have amended the list of conditions in the central column to reflect my comments below. In general, the conditions are reasonable and necessary and meet the tests set out in paragraph 14 of Circular 11/95. Where I make no comment on a condition set out in ECC/8, I consider that condition to be appropriate and necessary for the reasons set out in Appendix B and Document ECC/8.

13.132 I consider that a 5 year limit for commencement of the development as set out in Condition 1 is appropriate and realistic, bearing in mind the nature of the development and the need for an Environmental Permit to be obtained before work could realistically commence on site. Condition 2 is necessary to clarify the details of the development and to avoid any doubt as to the relevant drawing numbers. I have added this reason to the schedule.

13.133 It is necessary to limit the maximum number of HGV movements as set out in Condition 3, because no assessment has been made of the impact of a larger number of additional HGV movements on the trunk road network and there is no dispute that the network already suffers from congestion from time to time [12.3].

13.134 In the interests of road safety and to avoid congestion on the local road network it is important to take steps to minimise the likelihood of HGVs using local roads to gain access to and from the site. The traffic routing provisions of the S106 agreement would make an important contribution to this objective. To help make those provisions viable, I consider that it is necessary to log various details relating to each vehicle visiting the site. I therefore consider that it is necessary for Condition 5 to be amended to read that 'A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.' [12.4].

13.135 The words 'Figure1-2 annexed hereto' should be deleted from Condition 8 and replaced with 'application drawing Figure 1-2'. The drawing is listed in Condition 2 and there is no need to attach the drawing to the formal grant of planning permission.

13.136 'Plan 1' referred to in Condition 13 can be found in the S106 agreement. The wording in the condition should be amended to reflect this.

13.137 Condition 14 seeks to control the design of the stack. The applicants seek the SoS's views on the acceptability of a 40 m high (above existing ground level) stack (rather than the 35 m high stack applied for) in the event that the EA requires a higher stack as part of the EP procedure. Although Condition 14 relates to

the design of the stack, Condition 56 controls the height of the stack and therefore Condition 14 would be unaffected by any such change in height.

13.138 I do not consider that it is appropriate to impose a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. I agree with ECC that such works may require Listed Building Consent and a further grant of planning permission. It would be unreasonable to impose a condition requiring such development, as the applicants would not have control over the decision which permitted such development. I am satisfied that the matter is best covered by the provisions of the S106 agreement. [12.5]

13.139 I have concerns as to whether Condition 16 meets the tests for conditions set out in Circular 11/95, particularly in relation to necessity and its relevance to the development. I appreciate that BDLPR Policy RLP94 indicates that major development will make provision for the commissioning of suitable and durable public works of art, and that the site can be seen from the public footpath. However, the development would not be located in a public place and it cannot be readily described as falling within the public realm. Moreover, I am not convinced that a work of art at this location is either relevant to the development or would make a positive contribution to the environment and the wider community. For all these reasons, I consider that Condition 16 should not be imposed. [12.6]

13.140 I consider that Condition 17 should be imposed. It is important that all possible measures are taken to ensure that there is no visible plume from the stack. Not only would a plume give the area a somewhat industrialised character, but it would unnecessarily increase fears about the possibility of environmental pollution and risks to human health, no matter how unfounded those fears may be. I am not convinced that these are matters that would necessarily form part of the EP regime and would be dealt with by the EA. I am mindful of the LCG's concern that the condition does not categorically state that there will be no plume. However, it seems to me that the Condition in its present form adopts a reasonable and pragmatic approach to the matter. [12.7]

13.141 With regard to Condition 21, the LCG is concerned that the application drawings do not identify any parking areas for HGVs. However, I support the approach that substantial provision should not be made for the parking of HGVs in the open air on the site. To encourage such parking would not be beneficial to the character of the area. Condition 21 should remain unaltered. [12.8]

13.142 As the development has been partly promoted on the argument that the excess electricity produced at the plant would be sold to the National Grid, I have some sympathy with the LCG's submission that a condition should be imposed requiring such electricity to go to the National Grid. However, it is unreasonable to impose a condition requiring the applicants to meet a requirement which is not entirely within their control. It would plainly be in the applicants' interests to sell the excess electricity and I conclude that it would be unreasonable to impose such a condition on this issue. [12.9]

13.143 In relation to Condition 28, I agree with the applicants that restricting the sourcing of SRF from outside Essex and Southend, but within the remainder of the East of England for a period of only one year from the date of agreement with the WPA, could lead to problems of uncertainty. The ability to enter into contracts for

such a limited period could unreasonably handicap the applicants in the operation of the plant. Nevertheless, it is important that all possible efforts are made to ensure that such material is sourced from within the local area in the interests of the proximity principle and the ability of the plant to deal with local waste arisings. Changes in the availability of supply in the locality should therefore be accommodated within a reasonable period. It seems to me that a reasonable and realistic approach would be to adopt a time period of 3 years in this case. I therefore consider that the reference to '[one/five] years' in paragraph (ii) of Condition 28 be amended to 'three years'. [12.10]

13.144 Condition 30 is a source of conflict between the parties. The applicants argue that it would not be possible to source 80% of the feedstock for the MDIP from within the region and the relaxation contained in the condition would therefore have to operate from the outset. In this respect the condition is unreasonable. Moreover, it is pointed out that the MDIP would be a unique facility in the UK. Policy WM3 of the East of England Plan indicates that allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit.

13.145 On the other hand, I am mindful that the figure of 80% is derived from the application. As ECC points out, the regulation 19 information provided by the applicants stated that the Region could provide a significant proportion, if not all of the paper feed stock for the MDIP. Moreover, Policy WM3 places some weight on a progressive reduction of waste imported into the East of England.

13.146 It seems to me that the MDIP would be of benefit in a number of ways. It would provide a means of recycling high quality waste paper in a beneficial way. It would reduce the need to use virgin fibre for making high quality paper and in due course it would probably encourage an increase in the amount of high quality waste paper that is recovered for recycling. In these respects, the facility could be of benefit to an area larger than the East of England region.

13.147 I have some concern that the applicants did not make it clear at the outset that in reality more than 20% of the feedstock would have to be sourced from outside the region. On the other hand, it would have been unduly optimistic to expect that nearly all the relevant potential feedstock in the East of England would become available for the MDIP.

13.148 If planning permission is to be granted, the condition should be realistic and reasonable. Moreover, it seems to me that there are a number of somewhat competing objectives in relation to this condition. Firstly, the distance that waste is transported should be minimised, in accordance with the proximity principle. Secondly, and linked to the first objective, the operators of the facility should be encouraged to source locally produced feedstock wherever possible and thereby contribute to the objective of self sufficiency in dealing with waste. Thirdly, the MDIP must be viable if the benefits which it could provide are to be achieved. The applicants argue that a restriction on feedstock in terms of the distance from source, rather than being based on the regional boundary would be more realistic, practical and capable of meeting the objective of minimising the distance waste is transported. A figure of 150 km is suggested.

13.149 There are clearly merits in this approach. However, in view of the proximity and overwhelming size of London, I am concerned that this approach could result in the vast majority of the waste paper feedstock being transported from London thereby reducing any incentive to encourage the sourcing of feedstock from within the region. I therefore support the general approach adopted by ECC, although I do not agree that a requirement for 80% of the feedstock to be sourced in East of England would be reasonable, even if the terms of the condition required ECC to authorise a greater proportion of imports if the 80% target could not be met. The applicants do not expect the facility to deal with waste primarily from outside the region and therefore it seems that a requirement for 50% of the waste to be sourced from within the region would be reasonable given the flexibility provided by the suggested condition. I conclude that Condition 30 should be imposed, subject to the figure of '20%' in paragraph (i) being replaced by '50%' and the figure of '80%' in paragraph (ii) being replaced by '50%'. I have amended two typing errors in the second paragraph, replacing 'operation' with 'operator' and 'cad' with 'card'. [6.37,6.38, 12.11, 12.12]

13.150 I have concern about the hours of working on a Sunday that would be permitted during construction by Condition 35. However, I am mindful that the development is sited some distance from the nearest residential dwellings and once excavation is completed a large proportion of the work would be undertaken below natural ground levels. Moreover, a similar condition applied to the RCF permission. Bearing these points in mind, the substantial nature of the development and the aim of completing construction within about 2 years to meet the likely demands for the facility, I conclude that Condition 35 should be applied in its present form.

13.151 I agree that Condition 38 should specify where noise measurements are to be made and that the following words should be included in the condition: 'Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects'.

13.152 PPS10 makes it clear that when assessing planning applications for waste management facilities consideration should be given to the likely impact of the proposal on the local environment and on amenity. Although the pollution control regime may well result in the application of noise limits to the processes that would take place at the eRCF, it is reasonable for the planning system to seek to control noise to ensure that residential amenity is not harmed. The LCG is concerned that Conditions 39 and 40 allow higher noise levels than predicted by the applicants. That may be so, but it seems to me that the limits applied by those conditions are reasonable and should ensure that residential amenity is not significantly harmed by noise generated at the site. Condition 42 allows higher levels of noise for temporary periods, but this is intended to allow operations such as the construction of bunds which in themselves would assist in reducing the impact of the development on residential amenity. I consider that the noise levels set out in these conditions are reasonable and that the suggested conditions should be imposed. [12.15]

13.153 With regard to Condition 44, I am mindful that the applicants have indicated that external lighting units would be sited a maximum of 8 m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. However, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised and I accept ECC's

argument that excessive specification before a final lighting scheme is adopted could be counter-productive. There are a number of factors to be taken into account, including considerations of average and peak levels of lighting and the number and siting of lighting units. For these reasons, I conclude that Condition 44 should remain in its present form. [6.83, 8.39-42, 12.16]

13.154 I agree with ECC that Condition 52 should be imposed. Firstly, the pollution control regime would not necessarily be applicable to the excavation and construction of the plant. Moreover, odour has the potential to cause significant harm to residential amenity and the environment, and it is not unreasonable that the planning system should have some control over this highly controversial issue which can be difficult to control and enforce if measures are not taken to provide control at the outset. Although there could well be some overlap between the planning and pollution control regimes on this matter, it is not unreasonable that the planning authority should be satisfied that appropriate measures have been taken to control fugitive odours before beneficial occupation of the IWMF is permitted. [12.17]

13.155 With regard to Condition 55, I agree with the applicants that it would be unreasonable to prohibit the works set out in the condition from taking place during the bird nesting season, if such work would not affect nesting birds. Condition 55 should remain in its present form.

13.156 Condition 56 indicates that the stack height should not exceed 85 m AOD (35m above existing ground level). The applicants consider it unlikely that a taller stack would be necessary to meet the requirements of the pollution control regime. Nevertheless, if a taller stack were required, a further planning application under Section 73 of the 1990 Act would be necessary. The applicants seek the SoS's view as to whether a taller stack, up to 90m AOD, would be acceptable. Clearly, it is a matter for the SoS whether he wishes to comment on this matter. Generally, he would not be expected to do so, particularly if insufficient information was before him. In this case, the appellants have put forward some evidence on the matter, including at least one montage of a 40m high (90m AOD) stack. Moreover, the LCG has presented some counter evidence, together with a number of montages of such a feature.

13.157 Overall, however, less information has been provided about the impact of a 40m high stack compared to that which has been presented in relation to a 35 m high stack. It would be expected that the detailed assessment of a 40m high stack would be as thorough as that for a 35 m high stack, and in this respect I consider that insufficient information has been submitted in relation for example to montages from various locations, an assessment of zone of theoretical visibility, and the opinions of all parties who may be affected by such development. Clearly, a 40m high stack would have a greater visual impact than a 35m high stack and in this respect the balance of harm versus the benefit of the eRCF would be affected.

13.158 I am mindful that the advice in the Defra document entitled 'Designing Waste Facilities' indicates that the required height of emission stacks should not be underestimated (Doc CD/8/9 Page 74). It is unfortunate that further progress on this matter has not been made in discussions between the EA and the applicants. I appreciate that only the proposed operator can apply for an Environmental Permit, as indicated in the e-mail from the EA dated 5 October 2009 (Document GF/28) and that this requirement has prevented the applicants from making a formal application

to the EA. Although detailed discussions have obviously taken place, it seems to me that insufficient progress has been made, for whatever reason, because such an important issue as the required height of the stack has not been resolved. The advice in paragraph 28 of PPS10 that waste planning authorities and pollution control authorities should work closely to ensure integrated and timely decisions under the complementary regimes has not been followed insofar as such an important matter has not been assessed in some detail by the EA. It is not for me to determine why the advice has not been followed, but the result is that important information, which ideally should have been presented to the inquiry, has not been available.

13.159 On the basis of the evidence presented to date, and my inspections of the site and its surroundings, it seems to me that the benefits of the eRCF proposal may well outweigh the harm that the development would cause even if a 40m stack were required. However, until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, it seems to me that no firm conclusions can be reached. With regard to the existing proposals, Condition 56 is appropriate.

13.160 Turning to Condition 60, the LCG submits that the management and watering of trees adjacent to the proposed retaining wall should continue during the operational phase of the development. However, evidence submitted by the applicants suggests that the trees rely on surface water in the topsoil and subsoil rather than on ground water in the substrata and ECC considers that there is therefore no need to continue watering after construction is complete. It is arguable that the future maintenance of the trees would be adequately covered by the provisions of the management plan for existing and proposed planting set out in the S106 agreement. Nevertheless, given the disturbance to the natural conditions which would be caused by the development, it seems to me that it would be wise to ensure that watering of these trees continued during the first growing season after the completion of construction if this proved necessary. I consider that the condition should be amended by including the words '*and throughout the first growing season after completion of construction where necessary*' after the words '*and construction of the IWMF*'.

13.161 I consider that the provisions of the S106 agreement are necessary to ensure that the necessary highway and access works are completed at the appropriate time in the interests of road safety; traffic routing arrangements are put in place again in the interests of road safety and to minimise any impact on the local road network; a Site Liaison Committee is set up and operates, to ensure good communications between the operator of the plant and the local community; the refurbishment of the Woodhouse Farm complex takes place in the interests of preserving the listed buildings and providing facilities that would be of benefit to the local community; a management plan is put into operation to mitigate the visual impact of the development and to enhance the ecological value of the area; to ensure that minerals are not extracted and the site then remains undeveloped; to ensure a survey of historic buildings is undertaken and the results are appropriately recorded; to ensure groundwater is monitored and any necessary mitigation measures are undertaken; to ensure the MDIP is operated as an integral part of the IWMF; and to provide for the setting up and operation of a Community Trust Fund for the benefit of the local community.



13.162 I can understand the desire of the community group and the LCG for ambient air quality monitoring to be undertaken at specified receptor locations and for the results to be made available to the local community. I have no doubt that the results of such monitoring could assist in allaying the fears of the local community about the potential of the plant to cause harm to human health and the local environment. However, as the applicants point out, such monitoring would be subject to a wide range of variables and would be of limited value in identifying the impact of the development itself. A more meaningful and accurate measurement of the emissions from the plant would be obtained from the regular monitoring of emissions from the stack. This is a requirement of the Waste Incineration Directive (WID) and would result in continuous monitoring of some emissions and regular periodic monitoring of others. It has the advantage of providing emissions data for a wide area rather than at a few specific locations and would ensure that emissions and modelling data related to the emissions from the plant. The S106 agreement provides for the results of such monitoring and also ground water monitoring to be presented to the Site Liaison Committee. I conclude that this approach would result in more meaningful measurements of emissions from the eRCF. [6.114, 12.23]

## **SECTION 14 - RECOMMENDATION**

14.1 I recommend that planning permission be granted for the proposed Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and pulping paper recycling facility to reclaim paper; Combined Heat and Power Plant utilising solid recovered fuel to produce electricity, heat and steam; Extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; Visitor / Education Centre; Extension to existing access road; Provision of offices and vehicle parking; and associated engineering works and storage tanks. The permission should be subject to the conditions set out in the centre column of Appendix B of this report.

*MP Hill*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPLICANTS:**

David Elvin QC assisted by Simon Pickles, of Counsel	instructed by Linklaters LLP on behalf of Gent Fairhead & Co Limited.
They called:	
Steven Smith BSc MSc	Associate, Golder Associates (UK) Ltd
Andrew Sierakowski BSc MSc LLM MRTPI MIHBC AMCIWM	Senior Minerals and Waste Planner, Golder Associates (UK) Ltd.
Ralph Keeble BSc MICE MCIWM	Director, Ralph Keeble Consulting Ltd.
Christine Marsh BA(Hons) DipLA MLA	Senior Landscape Architect, Golder Associates (UK) Ltd
Dr Amanda Gair BSc (Hons) PhD MIES MIAQM	Head of Air Quality Team, SLR Consulting.
David Hall BSc MSc CGeol MGS	Principal, Golder Associates (UK) Ltd.
Dr Ian James Fairclough MSc PhD MIEEM	Senior Ecologist, Golder Associates (UK) Ltd.
Jeff Thornton BSc(Hons) MSc	Technical Development Director for Contaminated Land, Golder Associates (UK) Ltd.
Justin Bass MSc MCILT	Associate, Intermodal Transportation Ltd

### **FOR THE WASTE PLANNING AUTHORITY:**

James Pereira of Counsel He called	instructed by Solicitor to Essex County Council
Claire Tomalin BSc MA MRTPI	Senior Planner, Essex County Council.

### **FOR BRAINTREE DISTRICT COUNCIL AND VARIOUS PARISH COUNCILS (The Local Councils Group):**

David Whipps, Solicitor LARTPI He called	Holmes and Hills Solicitors
Ian Gilder MA DipTP MRTPI FRSA	Head of Planning, Environmental Resources Management.
Teresa Lambert BA(Hons) DipTP MRTPI	Development Control Manager, Braintree District Council.
Melanie A'lee MIHIE	Associate, Waterman Boreham Ltd.
Tony Dunn MA(Oxon) MBA	Clerk to Bradwell Parish Council.
Mrs T Sivyver	Coggeshall Parish Council.
Robert Wright IEng MSOE MBES	Rivenhall Parish Council.
Alan Waive	Silver End Parish Council.
James Abbott BSc (Hons)	Braintree District Councillor and Rivenhall Parish Councillor.

### **FOR THE COMMUNITY GROUP:**

John Dagg of Counsel He called	instructed by Alan Stones RIBA MRTPI MIHBC
John Palombi	Chairman of Witham & Countryside Society, Trustee

Philip Hughes  
 Barry Nee BA MA  
 Alan Stones AADip DipTP  
 RIBA MRTPI MIHBC

Director of CPREssex.  
 District Councillor and Silver End Parish Councillor.  
 Resident of Kelvedon.  
 Consultant in urban design and historic buildings  
 conservation.

### INTERESTED PERSONS:

Paul Gadd	representing Saffron Walden Friends of the Earth
David Rice	Local resident, Braintree.
Stewart Davis	Local resident, Kelvedon.
Eleanor Davis	Local resident, Kelvedon.
Paula Whitney	representing Colchester and North East Essex Friends of the Earth
Kate Ashton	Local resident, Rivenhall.
Felicity Mawson	Local resident, Witham.
Brian Saville	Local resident, Bradwall
Robert Gordon	Local resident , Silver End

### DOCUMENTS

- 1 Lists of persons present at the inquiry
- 2 ECC's Letter of Notification of inquiry.
- 3 Copies of Representations received by ECC

#### Submitted by Applicants – Gent Fairhead & Co Ltd (GF)

<b>GF/2/A</b>	Proof of Evidence of Steven Smith
<b>GF/2/B</b>	Appendices to Proof of Evidence of Steven Smith
<b>GF/2/C</b>	Rebuttal Proof of Evidence of Steven Smith
<b>GF/2/D</b>	Appendices to Rebuttal Proof of Evidence of Steven Smith
<b>GF/2/E</b>	Presentation of Evidence of Steven Smith
<b>GF/3/A</b>	Proof of Evidence of Andrew Sierakowski
<b>GF/3/B</b>	Appendices to Proof of Evidence of Andrew Sierakowski
<b>GF/4/A</b>	Proof of Evidence of Ralph Keeble
<b>GF/4/B</b>	Appendices to Proof of Evidence of Ralph Keeble
<b>GF/4/C</b>	Rebuttal Proof of Evidence of Ralph Keeble
<b>GF/4/D</b>	Appendices to Rebuttal Proof of Evidence of Ralph Keeble
<b>GF/5/A</b>	Proof of Evidence of Christine Marsh
<b>GF/5/B</b>	Appendices to Proof of Evidence of Christine Marsh
<b>GF/5/C</b>	Rebuttal Proof of Evidence of Christine Marsh
<b>GF/5/D</b>	Appendices to Rebuttal Proof of Evidence of Christine Marsh
<b>GF/6/A</b>	Proof of Evidence of Dr Amanda Gair
<b>GF/6/B</b>	Appendices to Proof of Evidence of Dr Amanda Gair

<b>GF/6/C</b>	Rebuttal Proof of Evidence of Dr Amanda Gair
<b>GF/6/D</b>	Response to Friends of the Earth – Air Quality
<b>GF/7/A</b>	Proof of Evidence of David Hall
<b>GF/7/B</b>	Appendices to Proof of Evidence of David Hall
<b>GF/7/C</b>	Supplemental Proof of Evidence of David Hall
<b>GF/7/D</b>	Appendices to Supplemental Proof of Evidence of David Hall
<b>GF/7/E</b>	Rebuttal Proof of Evidence of David Hall
<b>GF/7/F</b>	Appendices to Rebuttal Proof of Evidence of David Hall
<b>GF/8/A</b>	Proof of Evidence of Dr Ian James Fairclough
<b>GF/8/B</b>	Appendices to Proof of Evidence of Dr Ian James Fairclough
<b>GF/8/C</b>	Rebuttal Proof of Evidence of Dr Ian James Fairclough
<b>GF/8/D</b>	Appendices to Rebuttal Proof of Evidence of Dr Ian James Fairclough
<b>GF/9/A</b>	Proof of evidence of Jeff Thornton
<b>GF/9/B</b>	Appendices to Proof of Evidence of Jeff Thornton
<b>GF/9/C</b>	Supplemental Proof of Evidence of Jeff Thornton
<b>GF/9/D</b>	Appendices to Supplemental Proof of Evidence of Jeff Thornton
<b>GF/9/E</b>	Response to Friends of the Earth – HHRA
<b>GF/10/A</b>	Proof of Evidence of Justin Bass
<b>GF/10/B</b>	Appendices to Proof of Evidence of Justin Bass
<b>GF/10/C</b>	Rebuttal Proof of Evidence of Justin Bass
<b>GF/10/D</b>	Appendices to Rebuttal Proof of Evidence of Justin Bass
<b>GF/10/E</b>	Email from the Highways Agency dated 9 June 2009
<b>GF/10/F</b>	Letter from the Highways Agency dated 8 October 2009
<b>GF/11</b>	Revised Non-Technical Summary
<b>GF/12</b>	Addendum Environmental Statement
<b>GF/13</b>	Application Drawings
<b>GF/13-R1</b>	Revised Application Drawings (to replace GF/13)
<b>GF/14</b>	Erratum to GF/5/B/13 (Appendix 13 to Proof of Evidence of Christine Marsh)
<b>GF/15</b>	Erratum to GF/2/A and GF/2/B (Evidence of Steven Smith)
<b>GF/15/A</b>	Further Erratum to GF/2/A (Evidence of Steve Smith)
<b>GF/16</b>	Erratum to Chapter 2 of GF/12 (the Air Quality Chapter of the ES Addendum)
<b>GF/17</b>	Agreed note on the WRATE Modelling
<b>GF/18</b>	Proposed Site Itinerary
<b>GF/19</b>	Applicant List of Appearances
<b>GF/20/A</b>	List of Inquiry Documents – Day 1 (Tuesday 29 September 2009)

<b>GF/20/B</b>	List of Inquiry Documents – Day 2 (Wednesday 30 September 2009)
<b>GF/20/C</b>	List of Inquiry Documents – Day 5 (Tuesday 6 <sup>th</sup> October 2009)
<b>GF/20/D</b>	List of Inquiry Documents – Day 5 (Tuesday 6 <sup>th</sup> October 2009)
<b>GF/20/E</b>	List of Inquiry Documents – Day 8 (Friday 9 <sup>th</sup> October 2009)
<b>GF/20/F</b>	List of Inquiry Documents – Day 10 (Wednesday 14 <sup>th</sup> October 2009)
<b>GF/21</b>	Opening Submissions on behalf of the Applicant
<b>GF/22</b>	Erratum to GF/6/B/10 (Appendix 10 to the Proof of Evidence of Amanda Gair)
<b>GF/23</b>	Erratum to GF/5/A (Proof of Evidence of Christine Marsh)
<b>GF/24</b>	Summary Data to Support Evidence of Ralph Keeble
<b>GF/25/A</b>	Indicative Inquiry Programme (Day 2)
<b>GF/25/B</b>	Indicative Inquiry Programme (Day 2)
<b>GF/25/C</b>	Indicative Inquiry Programme (Day 3)
<b>GF/25/D</b>	Indicative Inquiry Programme (Day 5)
<b>GF/25/E</b>	Indicative Inquiry Programme (Day 6)
<b>GF/25/F</b>	Indicative Inquiry Programme (Day 6)
<b>GF/25/G</b>	Indicative Inquiry Programme (Day 8)
<b>GF/25/H</b>	Indicative Inquiry Programme (Day 9)
<b>GF/26</b>	Letter from Shanks to Ralph Keeble dated 21 September 2009
<b>GF/27</b>	Note of WRATE Modelling – Agreed Between David Hall and Ian Gilder
<b>GF/28</b>	Email from the Environment Agency in Respect of the Environmental Permit Application
<b>GF/29</b>	Negotiation of the RCF Section 106 Agreement
<b>GF/30</b>	Supplementary Note to Ralph Keeble's Evidence
<b>GF/31</b>	Supplementary Note on Tissue Mill Feedstock – by Ralph Keeble
<b>GF/32</b>	Note on Heritage Significance of Rivenhall Airfield
<b>GF/33</b>	Supplementary Note of EERA Review Consultation – by Ralph Keeble
<b>GF/34</b>	Supplementary Information - prepared by Amanda Gair
<b>GF/35</b>	Note on Tranquillity Mapping
<b>GF/36</b>	Erratum to CD/2/6 (Appendix 1 to the Ecological Impact Assessment Chapter)
<b>GF/37</b>	Note addressing question raised by Friends of the Earth regarding the "R1 Formula" (i.e. whether the eRCF would be categorised as "recovery" or "disposal" pursuant to Directive 2008/98/EC)
<b>GF/38</b>	Flexibility of the eRCF
<b>GF/39</b>	Directions to Frog Island WMF for site visit on Friday 16 October (Meeting there at 10.30am)
<b>GF/40</b>	Note addressing letter to the Inquiry from Glendale Power dated 8 October 2009 (CD/15/5/B)
<b>GF/41</b>	eRCF Preliminary Lighting Schedule
<b>GF/42</b>	eRCF Maintenance Note

<b>GF/43</b>	Explanation of changes to application drawings
<b>GF/44</b>	Closing submissions
<b>GF/45</b>	Drawing showing calculation of eRCF building area( in response to CD1/13/2 – Local Council's response to SoCG)

### Submitted by Essex County Council (ECC)

<b>ECC/1</b>	Statement of Case
<b>ECC/2</b>	Proof of Evidence of Claire Tomalin
<b>ECC/3</b>	Summary Proof of Evidence of Claire Tomalin
<b>ECC/4</b>	Opening Submissions on behalf of ECC
<b>ECC/5</b>	Email from ERM to Lesley Stenhouse at ECC and Response
<b>ECC/6</b>	Supplementary Note of EERA Review Consultation – prepared by Claire Tomalin
<b>ECC/7</b>	Proposed Conditions (with comments where condition not agreed between ECC and the Applicant)
<b>ECC/8</b>	Revised version of ECC/7 with changes marked to show additional comments following Inquiry session on 13 October 2009
<b>ECC/9</b>	Closing submissions

### Submitted by Local Council's Group (LC)

<b>LC/1/A</b>	Proof of Evidence of Ian Gilder
<b>LC/1/B</b>	Appendices to Proof of Evidence of Ian Gilder
<b>LC/1/C</b>	Supplementary Proof of Evidence of Ian Gilder
<b>LC/1/D</b>	Rebuttal Proof of Evidence of Ian Gilder
<b>LC/1/E</b>	Note on ERM 2009 Report (CD/10/4)
<b>LC/2/A</b>	Proof of Evidence of Teresa Mary Lambert
<b>LC/2/B</b>	Appendices to Proof of Evidence of Teresa Mary Lambert
<b>LC/3/A</b>	Proof of Evidence of Melanie A'Lee
<b>LC/3/B</b>	Appendices to Proof of Evidence of Melanie A'Lee
<b>LC/4/A</b>	Proof of Evidence of Tony Dunn
<b>LC/4/B</b>	Appendices to Proof of Evidence of Tony Dunn
<b>LC/5/A</b>	Proof of Evidence of Michael Horne
<b>LC/6/A</b>	Proof of Evidence of Robert Wright
<b>LC/7/A</b>	Proof of Evidence of Alan Waive
<b>LC/8/A</b>	Proof of Evidence of James Abbott
<b>LC/8/B</b>	Appendices to Proof of Evidence of James Abbott
<b>LC/9</b>	List of Appearances for the Local Councils
<b>LC/10</b>	Opening Submissions on behalf of the Local Councils
<b>LC/11/A</b>	Plan showing Parish boundaries

<b>LC/11/B</b>	Plan showing certain referenced roundabouts
<b>LC/11/C</b>	Plan showing certain referenced local roads
<b>LC/12</b>	Closing submissions
<b>LC13-14</b>	These have been numbered as CD/16/3-4

### Submitted by Community Group (CG)

<b>CG/1/A</b>	Proof of Evidence of John Palombi
<b>CG/1/B</b>	Appendices to Proof of Evidence of John Palombi
<b>CG/2/A</b>	Proof of Evidence of Philip Hughes
<b>CG/2/B</b>	Appendices to Proof of Evidence of Philip Hughes
<b>CG/3/A</b>	Proof of Evidence of Barry Nee
<b>CG/4/A</b>	Proof of Evidence of Alan Stones
<b>CG/4/B</b>	Appendices to Proof of Evidence of Alan Stones
<b>CG/5</b>	List of Appearances and Opening Submissions on behalf of the CG
<b>CG/6</b>	Closing submissions

### Submitted by other parties and individuals (OP)

<b>OP/1</b>	Submission on behalf of Saffron Walden Friends of the Earth, together extract of Environmental Report, dated February 2008, to Essex County Council by Eunomia.
<b>OP/2</b>	Oral statement of behalf of Saffron Walden Friends of the Earth including extract from DEFRA Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009)
<b>OP/3</b>	Submission from Stewart Davis
<b>OP/4</b>	Submission from Eleanor Davis
<b>OP/5</b>	Submission from Kate Ashton, including appendices.
<b>OP/6</b>	Submission by Paula Whitney, together with 7 appendices, on behalf of Colchester and North East Essex Friends of the Earth
<b>OP/7</b>	Submission by Felicity Mawson

### CORE DOCUMENTS (referenced as: CD/[Section No]/[Ref No], e.g. the call in letter is CD/1/1)

Section No	Ref No	Document Title or Description
<b>1</b>		<b>Call In Letter</b>
1	1	Government Office for the East of England Call in Letter - 12.05.09
<b>2</b>		<b>eRCF Planning Application and Associated Documents - ESS/37/08/BTE</b>
2	1	Letter to ECC - Ref. Screening & Scoping - 22.05.08
2	2	eRCF Formal Scoping Opinion Request - 22.05.08
2	3	Letter to ECC - Ref. Planning Application & EIA - 26.08.08

2	4	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 1 - 26.08.08
2	5	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 1 of 4 - 26.08.08
2	6	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 2 of 4 - 26.08.08
2	7	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 3 of 4 - 26.08.08
2	8	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 4 of 4 - 26.08.08
2	9	Letter to ECC - Ref. Regulation 19 - Additional Information - 09.12.08
2	10	Regulation 19 Additional Information - 09.12.08
2	11	ERM, Rivenhall Airfield – Evolution of the Recycling and Composting Facility: Review of Environmental Statement, Final Report, November 2008
2	12A	ECC Report to Committee (DR/19/09) - 24.04.09
2	12B	Addendum to ECC Report to Committee - 24.04.09
2	13	Minutes of the Development & Regulation Committee - 24.04.09
<b>3</b>		<b>RCF Planning Application and Associated Documents - ESS/38/06/BTE</b>
3	1	Planning permission dated 26 February 2009 (Ref:KA/DEVC/2848)
3	2	Minutes of the East of England Regional Planning Panel Sub-Committee of 19 January 2007
3	3	Rivenhall Airfield Recycling & Composting Facility, Volume 1 - Planning Application Supporting Statement – July 2006
3	4	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 1 of 2- July 2006
3	5	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 2 of 2- July 2006
3	6	Rivenhall Airfield Recycling & Composting Facility Supplementary Report, Nov 2006
3	7	Section 106 Agreement dated 26 February 2009 between Gent Fairhead & Co Ltd (1), Essex County Council (2), Barclays Bank Plc (3), Gent Fairhead Aggregates Ltd and Cemex Operations Ltd (4) and The Bradwell Estate (5)
3	8	Letter from Go-East dated 26 April 2007 in response to the referral by ECC of ESS/38/06/BTE
3	9	ECC Committee Report - ESS/38/06/BTE - 30 March 2007 (DR/015/07)
<b>4</b>		<b>European Legislation and Guidance</b>
4	1	Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended))
4	2	New EC Framework Directive on Waste 2008/98/EC
4	3	EC Waste Incineration Directive 2000/76/EC
4	4	EC Landfill Directive 1999/31/EC
4	5	EC Groundwater Directive 2006/118/EC
4	6	EC Reference Document on Best Available Techniques in the Pulp and Paper Industry, 2001
4	7	EC Directive on Air Quality 2008/50/EC
4	8	The IPPC Directive (Directive 2008/01/EC)
<b>5</b>		<b>Statutory Development Plan and Associated Documents</b>
5	1	East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008)
5	2	Report to the Regional Planning Panel on the 29 June 2009 entitled 'Waste Policies for the review of the East of England Plan'
5	3	Essex and Southend Replacement Structure Plan (Adopted April 2001)



5	4	Essex and Southend Waste Local Plan (Adopted September 2001)
5	5	Braintree District Local Plan Review (Adopted July 2005)
5	6	Essex Minerals Local Plan First Review (January 1997)
5	7	Extract from the Report of the Panel, dated June 2006, Following the Examination in Public of the East of England Plan December 2004
5	8	Technical Paper on Waste for the Review of the East of England Plan – Consultation Document, August 2009
<b>6</b>		<b>National Planning Policy</b>
6	1	Planning Policy Statement (PPS) 1 – Delivering Sustainable Development
6	2	Planning and Climate Change – Supplement to PPS 1
6	3	Consultation Paper on PPS4 – Planning for Sustainable Economic Development 2007
6	4	PPS 7 – Sustainable Development in Rural Area
6	5	PPS 9 – Biodiversity and Geological Conservation
6	6	PPS 10 – Planning for Sustainable Waste Management
6	6A	Extract from the Companion Guide to PPS 10
6	7	Planning Policy Guidance (PPG) 13 – Transport
6	8	PPG 15 – Planning and the Historic Environment
6	9	PPG 16 – Archaeology and Planning
6	10	PPS 22 – Renewable Energy 2004
6	11	PPS 23 – Planning and Pollution Control
6	11A	Planning Policy Statement 23: Planning and Pollution Control Annex 1: Pollution Control, Air and Water Quality
6	12	PPG 24 – Planning and Noise
6	13	PPS 25 – Development and Flood Risk
6	14	Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England
6	15	The Planning System: General Principles (ODPM, 24.02.2004)
6	16	PPS Planning for the Historic Environment: Historic Environment Planning Practice Guide (Living Draft – 24 July 2009)
6	17	Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment (DCLG July 2009)
<b>7</b>		<b>Circulars</b>
7	1	Circular 11/95: Use of conditions in planning permission
7	2	Circular 05/05: Planning obligations
<b>8</b>		<b>Other Law, Policy and Strategy Documentation</b>
8	1	DEFRA Waste Strategy for England 2007 (May 2007)
8	2	Joint Municipal Waste Management Strategy for Essex (2007 to 2032)
8	3	DEFRA – Waste Infrastructure Delivery Programme Information Note on Combined Heat & Power (January 2009)
8	4	The UK Renewable Energy Strategy 2009
8	5	Essex Waste Management Partnership PFI, Outline Business Case, April 2008 (Executive Summary)
8	6	Essex Waste Management Partnership PFI, Outline Business Case, July 2009 (main body only, no appendices)
8	7	English Heritage (2006) <i>Understanding Historic Buildings: A guide to good recording practices</i>
8	8	The UK Low Carbon Transition Plan – National strategy for climate and energy
8	9	Designing waste facilities – a guide to modern design in waste (DEFRA/CABE 2008)
<b>9</b>		<b>Previous Inquiry Documents and Other Planning Permissions</b>
9	1A	Essex and Southend-on-Sea Waste Local Plan, Public Inquiry, 25 October 1999 – 5 January 2000, Report of the Inspector, July 2000

9	1B	Secretary of State's decision in respect of CD/9/1A
9	2	Planning Permission ESS/07/98/BTE: Minerals Local Plan Site R, Bradwell Sand and Gravel Pit and Rivenhall Airfield, Bradwell
9	3	ESS/15/08/BTE, Report from the Head of Environmental Planning at ECC approving variation of ESS/07/98/BTE to allow amended restoration levels.
<b>10</b>		<b>Industry Reports and Assessments</b>
10	1	Urban Mines – Detailed Assessment of East of England Waste Arisings for the East of England Regional Assembly (March 2009)
10	2	WRAP Market De-inked Pulp Feasibility Study, 2005
10	3	Waste Arisings, Capacity and Future Requirements Study Final Report (ERM, February 2007)
10	4	Updated Capacity and Need Assessment Final Report (ERM, July 2009)
<b>11</b>		<b>The Council Group Documents</b>
11	1	[NOT USED]
11	2	Braintree District Council, Committee Report – 25 November 2008
11	3	Braintree District Council, Minutes of Planning Committee Meeting – 25 November 2008
11	4	Braintree District Council, Committee Report – 20 January 2009
11	5	Braintree District Council, Minutes of Planning Committee Meeting – 20 January 2009
11	6	[NOT USED]
11	7	[NOT USED]
11	8	Braintree District Council, Cabinet Meeting, Minutes of Meeting – 11 May 2009
<b>12</b>		<b>The Community Group Documents</b>
12	1	Kelvedon Village Plan, Kelvedon Parish 2002
12	2	Bradwell Village Action Plan, Bradwell Village Action Group, 2003
12	3	The Countryside Agency, Rivenhall Village Design Statement, July 2005
<b>13</b>		<b>Statement of Common Ground</b>
13	1	Draft Statement of Common Ground agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
13	2	Draft Appendix to CD/13/1 prepared by the Councils Group
13	3	CD13/1 with slight amendments shown in track changes (incorporating CD/13/2 as Appendix 1)
13	4	Final Statement of Common Ground
<b>14</b>		<b>Section 106 Agreement</b>
14	1	Draft Section 106 Agreement agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
14	2	Note setting out changes to be made to CD/14/1 prior to engrossment of Section 106 Agreement to incorporate comments of Local Councils
14	3	Further changes to be made to CD/14/1 to incorporate comments of Local Councils
14	4	Engrossment version of S106 (being CD/14/1 incorporating changes set out in CD/14/3)
14	5	Conformed and certified copies of completed S106 agreement
<b>15</b>		<b>Third Party Correspondence</b>
15	1	File of third party correspondence received from PINS on 3 August 2009
15	2	Correspondence received from PINS up to and including 25 September 2009
15	3	Letter submitted by Mr B T Hill to Inspector at Inquiry dated 5 October 2009
15	4	Correspondence received from PINS on 8 October 2009 (comprising 3 letters and 3 emails CD/15/4/A to CD/15/4/F)
15	5	Correspondence received from PINS between 9 and 12 October 2009 (CD/15/5/A to CD/15/5/F)
15	6	Correspondence received from PINS on 13 October 2009
15	7	Letter from Environment Agency to PINS dated 13 October 2009
<b>16</b>		<b>Comments on the EA response to Addendum to ES and on any other representations on the Addendum received by 14 October 2009.</b>

- 16        1        Letter from EA dated 22 October 2009 clarifying earlier comments
- 16        2        Comments on EA letter from Community Group dated 22 October 2009
- 16        3        Comments on EA letter from Local Council's Group dated 22 October 2009
- 16        4        Comments on lighting schedules from Local Council's Group dated 22 October 2009
- 17**               **Final responses submitted by 29 October 2009 to evidence submitted at CD/16 above.**
- 17        1        Technical Note on Exterior Lighting, prepared by Pell Frishmann (dated 26 October 2009) on behalf of the applicants in response to representations from the LCG and CG's dated 22 October 2009.
- 17        2        Applicants response to representations made by Local Councils Group and Community Group on 22 October 2009 (CD/16 above) - Prepared by Dr Amanda Gair, 29 October 2009

## **Appendix A – Brief Description of the Frog Island Waste Management Facility at Rainham**

- 1) I undertook an accompanied visit to the Frog Island Waste Management Facility on 16 October 2009.
- 2) The Frog Island development comprises a materials recycling facility (MRF) and a mechanical biological treatment plant (MBT). The MBT plant processes about 200,000 tpa of municipal solid waste (MSW) and C&I waste on three lines each taking about 70,000 tpa. The plant operates with a negative internal air pressure and each line has a large biological filter on the roof designed to deal with odours. The object of the site visit was to inspect the operation and efficiency of the plant with regard to the generation of dust, and odour.
- 3) The plant is situated on the edge of the River Thames and is some distance from the nearest residential properties. There were high levels of noise at the end of each line within the plant, at the point where vehicle trailers were being loaded before removing residues from the plant. However, the plant appears to be well insulated for sound because the level of noise outside the building was low and not intrusive.
- 4) The plant is fitted with fast operating roller shutter doors and these appear to work well. However, the reception area for the delivery of waste is too small. I noted that vehicles were depositing their loads whilst the roller shutter doors were open – they did not appear to have sufficient room to move fully into the building before tipping the waste. Some waste spilled outside the line of the doors as the vehicles moved forward, lowering their trailer bodies and leaving the building. This spill of waste prevented the doors from being closed fully from time to time and there was some odour from waste at the point of delivery. Nevertheless, the negative air pressure system appeared to work well, because there was no other apparent odour emanating from the plant except that at the point of delivery.
- 5) I have no doubt that this problem is due to the limited size of the delivery area, which prevents some vehicles from unloading entirely within the building. The negative air pressure also clearly assisted with dust control. There was a significant amount of dust inside the plant, particularly at the end of the MBT lines. However, this is kept within the plant and I saw no obvious signs of dust nuisance outside the building.
- 6) Finally, I inspected the biological filters on the roof. These were filled with wood bark and the only odour emanating from this part of the plant was the smell of wood bark.

## Appendix B – List of Proposed Planning Conditions

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<b>Commencement</b>		
1. Commencement within 5 years, 30 days prior notification of commencement.	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.</p> <p><b>Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).</b></p>	
<b>Approved Plans and Details</b>		
2. The development hereby permitted shall only be carried out in accordance with the details submitted by way of the application and subsequent submitted information.	2. The development hereby permitted shall only be carried out in accordance with drawing numbers:	ECC: Inspector to decide if any additional material to be specifically referenced.
	<b>Title</b>	
	1-1: Land Ownership & Proposed Site Plan	
	1-2: Proposed Planning Application Area	
	1-4: Access Road Details	
	1-5A: Typical Arrangement and Architectural Features of the eRCF	
	1-8: Schematic Arrangement of Woodhouse Farm	
	1-9: eRCF Simplified Process Flow	
	1-10: eRCF Integrated Process Flow	
	3-3: Site Plan Layout	
	3-8C: eRCF General Arrangement	
	3-12C: eRCF Detailed Cross-Sections	
	3-14A: eRCF Upper Lagoon & Wetland Shelf	
	3-16: Services Plan	
	3-19B: eRCF General Arrangement	
	8-6: Landscape Mitigation Measures	
	IT569/SK/06: Proposed Improvements to Site Access Road Junction with Church Road	
	IT569/SK/07: Proposed Improvements to Site Access Road Junction with Ash Lane	
	19-2B: Tree Survey	
	19-3B: The Constraints and Protection Plan	
	19-5: eRCF Base Plan Woodhouse Farm <b>Reason: For the sake of clarity and the avoidance of doubt</b>	
<b>Traffic and Access</b>		

<p><b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b></p>	<p><b>Proposed conditions</b></p>	<p><b>Comments by parties</b></p>
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p><b>3.</b> The total number of Heavy Goods Vehicle [HGV<sup>1</sup>] movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed IWWMF<sup>2</sup> hereby permitted shall not exceed the following limits:                      404 movements 202 in and 202 out per day (Monday to Friday)                      202 movements 101 in and 101 out per day (Saturdays)                      and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.</p> <p>No HGV movements shall take place outside the hours of operation authorised in Conditions 34 &amp; 36 of this permission.</p> <p><sup>1</sup>An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.</p> <p><sup>2</sup> IWWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p><b>Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy MLP13 and WLP policies WLP W4C &amp; W10E.</b></p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p><b>4.</b> The total number of Heavy Goods Vehicles [HGV<sup>1</sup>] vehicle movements associated with the construction of the IWWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:                      404 movements 202 in and 202 out per day (Monday to Sunday).</p> <p>No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.</p> <p><sup>2</sup> IWWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p><b>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E.</b></p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p><b>5.</b> A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request . The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.</p> <p><b>Reason: To enable the Waste Planning Authority to monitor HGV movements and in the interests of highway safety, safeguarding local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
<p>4. Details of the extended access road to be submitted including removal of lay-by on single lane section with upgrading of surface to passing bay.</p> <p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p> <p>34. No development shall commence until the layout of the cross over points of rights of way with the haul road, both existing and proposed, have been submitted for approval.</p>	<p>6. No development shall commence until full details of the extended access road and the layout of the cross over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross over points shall be implemented in accordance with the approved details.</p> <p><b>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E &amp; W10G, and MLP policy MLP13.</b></p>	
<p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p>	<p>7. No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath crossover points have been constructed.</p> <p><b>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E &amp; W10G, and MLP policy MLP13.</b></p>	
<p>6. All vehicles shall only enter and leave the Site using the Coggeshall Road (A120) junction.</p>	<p>8. No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.</p> <p><b>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policies W4C &amp; W10E and MLP policies MLP3 &amp; MLP13.</b></p>	
<p>7. No vehicles shall park within passing bays on the access road between Church Road and Ash Lane.</p>	<p>9. No vehicles shall park on the haul road between the A120 and Ash Lane.</p> <p><b>Reason: In the interests of safeguarding the local environment and amenity and to comply with MLP Policy MLP13 and WLP Policy W10E.</b></p>	
<p><b>Cultural Heritage</b></p>		
<p>8. No development until a programme for archaeological investigation.</p>	<p>10. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.</p> <p><b>Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
9. No demolition of airfield buildings until level 3 survey undertaken.	<p>11. No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.</p> <p><b>Reason: To ensure that any historical interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
10. No development affecting the moat until details of the proposed improvements and water supply submitted for approval.	<p>12. No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.</p> <p><b>Reason: To ensure protection of any historical and/or ecological interest to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
11. No development until details of signage, telecommunications and lighting within the vicinity of Woodhouse Farm have been submitted.	<p>13. No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farm house, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 (which can be found in the S106 agreement)) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.</p> <p><b>Reason: To protect the setting and appearance of the Listed Buildings and to comply with WLP policy W10E and BDLPR policy RLP100.</b></p>	
<b>Design and Layout</b>		
<p>12. No development shall commence until details of the design of the chimney including elevations, sections, plan views to appropriate scales and construction details have been submitted.</p> <p>&amp;</p> <p>14. No development shall commence until information on effect of weathering on the proposed chimney material and how the chimney would be maintained to retain the quality of the surface have been submitted.</p>	<p>14. No development shall commence until details of the design of the stack serving the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:</p> <p>(a) elevations, sections and plan views to appropriate scales and construction details;</p> <p>(b) samples of the finish of the stack to provide a mirrored reflective surface; and</p> <p>(c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality of the surface of these materials.</p> <p>The stack shall be constructed and maintained in accordance with the details approved</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and Adopted Braintree Local Plan Review 2005 (BDLPR) policy RLP78.</b></p>	



<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	<p>15. No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policies RLP78 &amp; RLP90.</b></p>	
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	16. Not used	
15. No development shall commence until management measures for the CHP plant have been submitted to ensure there is no visible plume from the chimney.	<p>17. No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</b></p>	
16. No development shall commence until details of the green roofs have been submitted.	<p>18. No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to ensure enhancement of biodiversity and to comply with WLP policy W10E and BDLPR policies, RLP78 &amp; RLP90.</b></p>	
17. No development shall take place until details of the layout of the waste management facility have been submitted.	<p>19. No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><b>Reason: To ensure control of the development and in the interests of local amenity with respect to control of noise, dust, odour and light and to comply with WLP policy W10E.</b></p>	
<p>18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.</p> <p>&amp;</p> <p>49. No redundant plant or machinery, containers, skips, trailers or vehicles shall be parked other than within designated areas.</p>	<p>20. No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.	<p>21. No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78 and RLP100.</b></p>	
<b>Water Resources</b>		
19. No development shall take place until a detailed scheme for foul water has been submitted and approved.	<p>22. No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with WLP policy W4B &amp; W10E and BDLPR policy RLP 100.</b></p>	
20. No development shall take place until a detailed scheme of the surface water drainage and the ground water management system, including details of water flows between Upper lagoon and New Field lagoon.	<p>23. No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E.</b></p>	
21. No excavation shall take place until a scheme identifying locations for the installation of boreholes to monitor groundwater has been submitted.	<p>24. No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E.</b></p>	
22. In the event that contamination is found the developer shall submit details of mitigation and remediation for approval.	<p>25. No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any remediation and mitigation identified.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E and BDLPR policy RLP64.</b></p>	
<b>Waste Management</b>		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
23. No element of the development may be implemented in isolation of others.	<p><b>26.</b> The market de-inked paper pulp plant shall only source its heat steam and energy from the IWWMF with the exception of periods of start-up and maintenance and repair of the IWWMF.</p> <p><b>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 &amp; WM3 and WLP policies W4C, W8A &amp; W7G.</b></p>	
24. No waste shall be brought onto the Site for processing in the MRF, AD, MBT and CHP plant (except waste paper and card) other than that arising from within the administrative area of Essex and Southend-on-Sea. Submission of monitoring data.	<p><b>27.</b> No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.</p> <p><b>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 &amp; WM3 and WLP policies W4C, W8A &amp; W7G.</b></p>	
	<p><b>28.</b> (i) SRF shall be sourced internally from the IWWMF or within the administrative boundaries of Essex and Southend-on-Sea.</p> <p>(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source SRF from these sources and there remains capacity within the IWWMF, then SRF arising from elsewhere within the East of England may be used up to the available capacity for a period up to three years from the date of the agreement of the Waste Planning Authority.</p> <p>(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.</p> <p><b>Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and amenity and to comply with RSS policies WM1, WM3, WM4 &amp; WM5 and WLP policies W3A, W3C, W6A, W7A, W7B, W7C and W10E.</b></p>	<p>GFC: Five years appropriate</p> <p>ECC: One year appropriate</p>
25. No wastes other than dry non-hazardous Municipal Solid Waste and Commercial & Industrial wastes shall be brought onto the Site for processing, treatment or disposal.	<p><b>29.</b> No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.</p> <p><b>Reason: Waste material of a greater quantity would raise additional environmental concerns, which would need to be considered afresh and to comply with RSS policies SS1, WM1, WM2, WM3 &amp; WM4 and WLP policies W3A, W3C, W8A, &amp; W10E.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>26. No more than 435,000 tpa of waste (MSW and/or C&amp;I) as MOW, MDR or unsorted waste, shall be imported to the Site, except C&amp;I waste in the form of paper and card. No more than 331,000 tpa of paper and card shall be brought to the Site. No more than 87,500 tpa of SRF shall be imported to the Site. Records shall be kept and provided upon request.</p>	<p><i>[NO CONDITION REQUIRED - MERGED WITH PREVIOUS CONDITION]</i></p>	
<p>27. No more than 20% of the imported waste paper and card shall be from sources outside the East of England Region. Records shall be kept and provided upon request.</p>	<p><b>30.</b> (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.</p> <p>(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.</p> <p>(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.</p> <p><b>Reason: In the interests of the environment by assisting the East of England Region to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity and to comply with RSS policies WM1, WM3 &amp; WM4, WLP policies W3A, W3C, W8A, W10E, the London Plan (February 2008) policies 4A.21 and 4A.22, the South East Plan (may 2009) policies W3, W4, W10 and W17.</b></p>	<p>GFC do not agree to proposed condition. Applicant would prefer one of the following, in order of preference:</p> <p>No Condition</p> <p>OR</p> <p>Waste paper and card imported to the site shall be sourced from within a 150km radius of the development site by road. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p>OR</p> <p>Waste paper and card to be imported to the site shall only be sourced from the East of England Region, London and the South East Region. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p><b>Reason: To comply with RSS policy WM3.</b></p>

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
28. No waste brought onto the Site shall be discharged, deposited, handled, stored, composted or otherwise processed outside the buildings.	<p><b>31.</b> No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWWMF buildings and structures.</p> <p><b>Reason: To ensure minimum disturbance from operations and to avoid nuisance to local amenity and compliance with WLP policy W10E and BDLPR policy RLP62.</b></p>	
29. No waste materials other than those arriving in enclosed containers, and enclosed or sheeted vehicles shall be accepted for processing.	<p><b>32.</b> All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.</p> <p><b>Reason: To ensure controlled waste operations and the containment of waste materials in compliance with WLP policy W10E and BDLPR policy RLP62.</b></p>	
30. No vehicles shall leave the waste management facility site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.	<p><b>33.</b> No vehicle shall leave the IWWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.</p> <p><b>Reason: In the interests of limiting the effects on local amenity and highway safety, to control the impacts of the development and compliance with WLP policy W10E and BDLPR policy RLP62</b></p>	
<b>Hours of Working</b>		
31. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between 07:00-18:30 hours Monday to Friday, and 07:00 - 13:00 hours Saturdays and not on Sundays, Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.	<p><b>34.</b> No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:</p> <p>07:00-18:30 hours Monday to Friday, and 07:00 -13:00 hours Saturdays and shall not take place on Sundays, Bank and Public Holidays except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with MLP policy MLP13, WLP policies W10E &amp; W10F and BDLPR policy RLP62.</b></p>	Consistent with the hours of the adjacent Bradwell Quarry.
32. The construction works (including deliveries of building materials) for the waste management facility, hereby permitted shall only be carried out between 07:00 - 19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.	<p><b>35.</b> The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E &amp; W10F and BDLPR policy RLP62.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties																										
<p>33. No waste or processed materials shall be delivered to or removed from any part of the waste management facility other than between 07:00 and 18:30 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays as required and then only between 10:00 and 16:00 hours.</p>	<p><b>36.</b> No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours</p> <p>07:00 and 18:30 hours Monday to Friday and</p> <p>07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays</p> <p>except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E &amp; W10F and BDLPR policy RLP62.</b></p>																											
<p><b>Footpaths</b></p>																												
<p>35. No development shall take place until signs have been erected on both sides of the haul/access road where footpaths cross the haul road</p>	<p><b>37.</b> No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.</p> <p><b>Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policy MLP13 and WLP policy W10G.</b></p>																											
<p><b>Noise</b></p>																												
<p>36. Except for temporary operations, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the <math>L_{Aeq\ 1\ hour}</math> levels set out in the following table:</p>	<p><b>38.</b> Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the <math>L_{Aeq\ 1\ hour}</math> levels set out in the following table:</p> <table border="1" data-bbox="555 1285 884 1957"> <thead> <tr> <th>Noise Sensitive Properties</th> <th>Location Criterion dB L A eq 1 hour</th> </tr> </thead> <tbody> <tr> <td>Herring's Farm</td> <td>45</td> </tr> <tr> <td>Deeks Cottage</td> <td>45</td> </tr> <tr> <td>Haywards</td> <td>45</td> </tr> <tr> <td>Allshot's Farm</td> <td>47</td> </tr> <tr> <td>The Lodge</td> <td>49</td> </tr> <tr> <td>Sheepcotes Farm</td> <td>45</td> </tr> <tr> <td>Greenpastures Bungalow</td> <td>45</td> </tr> <tr> <td>Goslings Cottage</td> <td>47</td> </tr> <tr> <td>Goslings Farm</td> <td>47</td> </tr> <tr> <td>Goslings Barn</td> <td>47</td> </tr> <tr> <td>Bumby Hall</td> <td>45</td> </tr> <tr> <td>Parkgate Farm Cottages</td> <td>45</td> </tr> </tbody> </table>	Noise Sensitive Properties	Location Criterion dB L A eq 1 hour	Herring's Farm	45	Deeks Cottage	45	Haywards	45	Allshot's Farm	47	The Lodge	49	Sheepcotes Farm	45	Greenpastures Bungalow	45	Goslings Cottage	47	Goslings Farm	47	Goslings Barn	47	Bumby Hall	45	Parkgate Farm Cottages	45	
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Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
	<p>Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.</p> <p><b>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</b></p>	
<p>37. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 47 dB(A) <math>L_{Aeq\ 1\ hour}</math> between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties adjoining the Site.</p>	<p>39. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 42 dB(A) <math>L_{Aeq\ 1\ hour}</math> between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.</p> <p><b>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</b></p>	
<p>38. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 40 dB(A) <math>L_{Aeq\ 1\ hour}</math> between the hours of 23:00 and 07:00, as measured and/or predicted at 1 m from the façade of the bedroom at noise sensitive properties adjoining the Site.</p>	<p>40. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 40 dB(A) <math>L_{Aeq\ 5min}</math> between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.</p> <p><b>Reason: In the interests of residential and local amenity and to comply with WLP policy W10E and BDLPR policy RLP62.</b></p>	
<p>39. Noise levels shall be monitored at three monthly intervals at up to five locations as agreed with the Mineral/Waste Planning Authority.</p>	<p>41. Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and <math>L_{Aeq}</math> noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods two during the working day 0700 and 1830 and two during the evening/night time, 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWMP, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.</p> <p><b>Reason: In the interests of amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
<p>40. For temporary operations, the free field noise level at sensitive properties shall not exceed 70 dB a <math>L_{Aeq, 1 \text{ hour}}</math> at noise sensitive properties adjoining the Site, due to operations on the Site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property.</p>	<p><b>42.</b> For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.</p> <p><b>In the interests of residential and local amenity and to comply with MLP policy MLP13.</b></p>	
<p><b>Lighting</b></p>		
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p><b>43.</b> No lighting for use during excavation of materials or construction of the IWWMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWWMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.</p> <p><b>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 &amp; RLP90.</b></p>	
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p><b>44.</b> No lighting for use during operation of the IWWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.</p> <p><b>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 &amp; RLP90.</b></p>	
<p><b>Operations</b></p>		



Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
42. No development shall commence until a detailing phasing scheme for the construction of the haul road, creation of the retaining wall and extraction of the minerals has been submitted for approval.	<p>45. No development shall commence until a detailed phasing scheme for the construction of the access road creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.</p> <p><b>Reason: To ensure control of the development and minimise the impact of the development on local amenity and the environment and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.	<p>46. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.</p> <p><b>Reason: To minimise soil compaction and structural damage of the soil and to protect the soil resource and to comply with MLP policy MLP13 and WLP W10E.</b></p>	
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.	<p>47. Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition <sup>3</sup> and no movement of soils shall take place:</p> <p>(a) During the months November to March (inclusive);</p> <p>(b) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or</p> <p>(c) When there are pools of water on the soil surface.</p> <p><sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.</p> <p><b>Reason: To minimise the structural damage and compaction of the soil and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
44. No processing other than dry screening of excavated sand and gravel shall take place within the Application Site.	<p>48. No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.</p> <p><b>Reason: To ensure that there are no adverse impacts on the local amenity from development not already assessed in the application details and to comply with MLP policy MLP10, MLP11, &amp; MLP13.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
45. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded.	<p><b>49.</b> Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.</p> <p><b>Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E.</b></p>	
46. Prior to commencement details of any permanent site perimeter fencing shall be submitted for approval.	<p><b>50.</b> Prior to the commencement of development details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.</p> <p><b>Reason: In the interest of the amenity of the local area and to comply with MLP policy MLP13, WLP policy W10E and BDLPR 78.</b></p>	
47. No development shall take place until details of external equipment required to control any fugitive dust from the handling/storage/processing of waste have been.	<p><b>51.</b> (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the site during excavation of materials and construction of the IWMF</p> <p>(b) No beneficial occupation of the IWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:</p> <p>(i) ; The suppression of dust caused by handling, storage and processing of waste; and</p> <p>(ii) Dust suppression on haul roads, including speed limits;</p> <p>In relation each scheme provision for monitoring and review.</p> <p>The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.</p> <p><b>Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP Policy MLP13 and WLP policy W10E.</b></p>	
48. Prior to the importation of waste details of external equipment required to prevent fugitive odour nuisance shall be submitted.	<p><b>52.</b> (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.</p> <p>(b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.</p> <p><b>Reason: In the interest of local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<b>Ecology</b>		
52.If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the Site shall be carried out to update the information on the species and the impact of development and the report of survey together with an amended mitigation strategy as appropriate shall be submitted for approval.	<p><b>53.</b> Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.</p> <p><b>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 &amp; ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</b></p>	
50. No Development shall commence until a ecological management plan has been submitted to include management and mitigation measures with respect to GCNs, Bats, Badgers, protected bird species and other ecologically sensitive habitats and species and for proposed new habitats before and during construction and during operation of the development.	<p><b>54.</b> No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> <li>(i) Description and evaluation of the features to be managed;</li> <li>(ii) Ecological trends and constraints on site that may influence management;</li> <li>(iii) Aims and objectives of management;</li> <li>(iv) Appropriate management options for achieving aims and objectives;</li> <li>(v) Prescriptions for management actions;</li> <li>(vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);</li> <li>(vii) Personnel responsible for implementation of the plan; and</li> <li>(viii) Monitoring and remedial / contingencies measures triggered by monitoring.</li> </ul> <p>The development shall be implemented in accordance with the approved plan.</p> <p><b>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 &amp; ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</b></p>	
53. No construction / demolition / excavation works or removal of hedgerows or trees shall be carried out on-site during the bird nesting season and only after an intensive nest search.	<p><b>55.</b> No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.</p> <p><b>Reason: To ensure that breeding birds are not disturbed by the removal of habitat or development and in accordance with MLP policy MLP13 and WLP policy W10E and BDLPR policy RLP84.</b></p>	
<b>Screening and Landscaping</b>		

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
54. There shall only be one stack the CHP stack. The CHP stack shall not exceed 81 m AOD.	<p><b>56.</b> Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.</p> <p><b>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90</b></p>	
55. All landscaping and planting shall be undertaken during the first available planting season.	<p><b>57.</b> No development shall commence until details and a timetable for implementation for all bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season [October to March inclusive] following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.</p> <p><b>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 MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	
56. Any tree or shrub forming part of a planting scheme is damaged, diseased or removed within the period of the operations or 5 years after completion of the operations shall be replaced by the applicants during the next planting season.	<p><b>58.</b> Any tree or shrub forming part of the retained existing vegetation or the planting 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 construction of the IWMF shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	
57. No development shall take place until details of tree retention and protection measures have been submitted.	<p><b>59.</b> No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.</p> <p><b>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	
58. No development until details for the protection and watering of trees adjacent to the retaining wall have been submitted and approved.	<p><b>60.</b> No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IWMF for the period of the excavation of materials and construction of the IWMF, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.</p> <p><b>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p><b>Woodhouse Farm/Visitors/Education Centre</b></p>		
<p>59. No beneficial use shall take place of the visitor and education centre and/or waste management facility until the works to Woodhouse Farm (which require further permissions/consents) have been implemented.</p> <p>60. No development shall commence until details have been submitted of the detailed layout of the parking area adjacent to Woodhouse Farm including hard and soft landscaping details have been submitted for approval.</p> <p>61. No parking within the Woodhouse Farm complex shall take place until suitable vehicle restrictions have been submitted for approval and implemented to prevent access by HGVs except for specific deliveries to the complex.</p>	<p><b>61.</b> No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.</p> <p><b>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90 and RLP100.</b></p>	
	<p><b>62.</b> Prior to commencement of development details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles have been submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.</p> <p><b>Reason: To ensure minimum impact on the safe movement of otters and voles and to comply with WLP policy W10E.</b></p>	
	<p><b>63.</b> Prior to commencement of development details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to "Stop" rather than "Give Way". The details shall be implemented as approved.</p> <p><b>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E and BDLPR policy RLP87.</b></p>	

Mr David Watkins  
Linklaters LLP  
One Silk Street  
London  
EC2Y 8HQ

Our Ref: APP/Z1585/V/09/2104804

2 March 2010

Dear Mr Watkins,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.  
APPLICATION BY GENT FAIRHEAD & Co LIMITED  
RIVENHALL AIRFIELD, ESSEX, C5 9DF. APPLICATION REF: ESS/37/08/BTE.**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, M P Hill BSc MSc CEng MICE FGS, who held a public local inquiry which opened on 29 September into your client's application for an Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks, at Rivenhall Airfield, Essex, C5 9DF, in accordance with application reference ESS/37/08/BTE, dated 28 August 2008.

2. It was directed on 12 May 2009, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State instead of being dealt with by the relevant planning authority, Essex County Council because the proposals may conflict with national policies on important matters.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Michael Taylor  
Decision Officer  
Planning Central Casework Division,  
Department for Communities and Local Government  
1/J1 Eland House  
Bressenden Place  
London, SW1E 5DU

Tel: [REDACTED]  
Email: PCC@communities.gsi.gov.uk

## **Procedural matters**

4. The Secretary of State notes that the applicants wished the proposal to be considered on the basis of a revised design. Like the Inspector, the Secretary of State does not consider that any prejudice has been caused to any party by accepting these amendments, and has determined the application on this basis (IR1.5).

5. In reaching his decision, the Secretary of State has taken into account the Environmental Information which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and comprises those documents set out by the Inspector at IR1.6. The Secretary of State considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

6. The Secretary of State notes that the Inspector closed the inquiry in writing on 2 November, having taken into account correspondence received after the last sitting day of the inquiry from the main parties in relation to representations from the Environment Agency (IR1.10). These matters have been dealt with by the Inspector in his report, and the Secretary of State has concluded on them later in this letter. Other correspondence unrelated to this matter was also received from 8 other parties after the last sitting day of the inquiry and the Secretary of State has carefully considered this. However, he does not consider that it raises any new issues which would either affect his decision, or require him to refer back to parties prior to reaching his decision. Copies of this correspondence are not attached to this letter but may be obtained on written request to the above address.

## **Policy Considerations**

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises those documents listed at IR3.2. The Secretary of State agrees with the Inspector that the main development plan policies relevant to this application are those set out in IR3.3-3.5.

8. Other material considerations include the national planning guidance listed at IR3.8 and those other documents listed at IR3.9. Circular 11/95, *Use of Conditions in Planning Permission*, and Circular 05/2005, *Planning Obligations* are also material considerations.

9. The Secretary of State has had special regard to the desirability of preserving nearby listed buildings and their settings, or any features of special architectural or historic interest which they possess, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the possible impact of the proposal on the Silver End Conservation Area, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of this area, as required by section 72 of the same Act.

10. Since the inquiry closed the Government has published PPS4: *Planning for Sustainable Economic Growth*. The policies in this document replace, amongst other things, certain relevant policies in PPS7: *Sustainable Development in Rural Areas*. However, the Secretary of State does not consider that there has been any material change in those policies to the extent that it would affect his decision or require him to refer back to parties for further representations prior to reaching his decision.

### **Main Issues**

11. The Secretary of State considers the main issues in this case are those set out by the Inspector at IR13.1.

#### Prevailing planning policy

12. The Secretary of State agrees with the Inspector's reasoning and conclusions on prevailing planning policy as set out in IR13.2-13.11. He agrees that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies (IR13.10). He also agrees that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23, albeit he accepts there is some conflict (IR13.11). These issues are considered further below.

#### The quality of the design and sustainability implications, and impact on character and appearance of the area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the quality of design, sustainability, and impact on the character and appearance of the area as set out in IR13.12-13.31. He agrees that the design of the proposal would be of high quality (IR13.22), including, for example, the siting of the buildings below ground level and the green roof of the main buildings which would be colonised with mosses (IR13.13). He also agrees that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner (IR13.22), including the use of solid recovered fuel in the proposed CHP plant and the export of electricity to the National Grid, which would contribute to meeting the Government's Renewable Energy targets (IR13.19). He further agrees that the proposal would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, for example as a result of the proposed stack, but that with the mitigation measures proposed the overall impact on the character and appearance of the area would be limited (IR13.31).

#### Consistency with PPS10

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on consistency with PPS10 as set out in IR13.32-13.40. He agrees that the proposal would help to deliver sustainable development by driving waste management up the waste hierarchy, and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. He also agrees that it would help to reduce carbon emissions and would have benefits in terms of climate change (IR13.40).



### Need, viability, flexibility and fallback position

15. The Secretary of State agrees with the Inspector's reasoning and conclusions on need, viability, flexibility and the fallback position as set out in IR13.41-13.65. He agrees that the proposal would help to satisfy a substantial and demonstrable need for municipal solid waste and/or commercial and industrial waste to be dealt with in Essex and for Essex County Council to meet challenging targets set out in the East of England Plan (IR13.51). In terms of viability, he agrees that there is no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal (IR13.54). On the fallback position, the Secretary of State agrees that there was a reasonable prospect of the recycling and composting facility for which planning permission has already been granted being implemented in the event that he had refused planning permission for the proposal before him (IR13.60). As for the flexibility of the proposal, the Secretary of State agrees that its design and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated (IR13.65).

### The effect on the living condition of local residents, including the risks to human health

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect on the living condition of local residents, including the risks to human health as set out in IR13.66-13.95. He agrees that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour, but that there would be some minor detrimental impact on living conditions with respect to noise, impact on tranquillity, increase in light, and outlook. However, he is satisfied that the detrimental impacts would be relatively minor and would not be unacceptable (IR13.85). With respect to the risks to human health, the Secretary of State agrees with the Inspector that the plant could be operated without causing any material harm to human health, and that this matter would be adequately dealt with by the Environmental Permitting regime. Like the Inspector, he accepts that the concern of local residents regarding the risk to health would remain as a detrimental impact of the development (IR13.95).

### Highway safety and the free flow of traffic

17. For the reasons given in IR13.96-13.104, the Secretary of State agrees with the Inspector's conclusion that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network (IR13.104).

### Impact on the local right of way network

18. For the reasons given in IR13.105-13.107, the Secretary of State agrees with the Inspector's conclusion that the impact on the right of way network would be detrimental, (for example, in terms of visual impact) but not to an unacceptable degree (IR13.107).

### Ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species, as set out in IR13.108-13.117. With regard to ground and surface water, the Secretary of State agrees that the proposal could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater (IR13.109), and that any localised lowering of the water table as a result of excavations would have little impact on vegetation (IR13.110). On the loss of agricultural land, the Secretary of State agrees that the proposal would result in the loss of Grade 3a agricultural land, which represents a conflict with local and national planning policies (IR13.111). However, he also agrees that its loss is not an overriding issue (IR13.112). With respect to habitats, wildlife and protected species, the Secretary of State agrees with the Inspector that, taking into account the proposed management of existing and proposed water bodies, the creation and management of new habitats, and the planting of woodland and hedgerows, the overall bio-diversity of the area would be enhanced (IR13.117).

### The impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield, as set out in IR13.118-13.125. He agrees that the scheme as a whole would preserve the settings, character and appearance of the listed buildings and of the conservation area (IR13.122 and 13.123). He also agrees that there is no justification for withholding planning permission at the site because of its historic value as an airfield (IR13.125).

### Other matters and mitigation measures

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on other matters and mitigation measures, as set out in IR13.126-13.129.

### Conditions and obligations

22. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions and obligations, as set out in IR13.131-13.162. On the specific matter of the Secretary of State's view on whether a taller stack would be acceptable, he agrees with the Inspector's opinion at IR13.159 that until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, no firm conclusions can be reached, and that with regard to the existing proposals, condition 56 is appropriate.

23. The Secretary of State is satisfied that the recommended conditions are reasonable and necessary and meet the tests of Circular 11/95. He also considers that the s106 agreement is relevant to the proposal and would meet the tests contained Circular 05/2005.

## **Overall conclusion**

24. As set out above, the Secretary of State has identified some conflict with development plan policies, such as those brought about by the impact on the character and appearance of the area, impact on living conditions, and loss of Grade 3a agricultural land. However, he also considers that mitigation measures proposed would reduce this impact, and that they are not of such a magnitude as to refuse planning permission.

25. Those factors in favour of the proposal include that it would meet a need for the sustainable management of waste in line with PPS10, and would help to reduce carbon emissions. The proposal would also operate without causing any material harm to human health.

26. Having weighed up all relevant considerations, the Secretary of State concludes that the factors which weigh in favour of the proposed development outweigh its shortcomings and overcome the limited conflicts with the development plan which he has identified. Therefore he does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

## **Formal decision**

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for an Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks, in accordance with application number ESS/37/08/BTE dated 26 August 2008 (as amended) subject to the conditions listed in Annex A.

28. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

30. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

32. A copy of this letter has been sent to Essex County Council and all parties who appeared at the inquiry.

Yours sincerely

Michael Taylor  
Authorised by Secretary of State to sign in that behalf

## **Annex A – Planning Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.

2. The development hereby permitted shall only be carried out in accordance with drawing numbers:

1-1: Land Ownership & Proposed Site Plan

1-2: Proposed Planning Application Area

1-4: Access Road Details

1-5A: Typical Arrangement and Architectural Features of the eRCF

1-8: Schematic Arrangement of Woodhouse Farm

1-9: eRCF Simplified Process Flow

1-10: eRCF Integrated Process Flow

3-3: Site Plan Layout

3-8C: eRCF General Arrangement

3-12C: eRCF Detailed Cross-Sections

3-14A: eRCF Upper Lagoon & Wetland Shelf

3-16: Services Plan

3-19B: eRCF General Arrangement

8-6: Landscape Mitigation Measures

IT569/SK/06: Proposed Improvements to Site Access Road Junction with Church Road

IT569/SK/07: Proposed Improvements to Site Access Road Junction with Ash Lane

19-2B: Tree Survey

19-3B: The Constraints and Protection Plan

19-5: eRCF Base Plan Woodhouse Farm

3. The total number of Heavy Goods Vehicle (HGV<sup>1</sup>) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IW<sup>2</sup>) hereby permitted shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Friday);

202 movements 101 in and 101 out per day (Saturdays);

and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.

<sup>1</sup>An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.

<sup>2</sup> IW<sup>2</sup> shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

4. The total number of HGV vehicle movements associated with the construction of the IW<sup>2</sup> (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Sunday).

No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.

5. A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request . The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.

6. No development shall commence until full details of the extended access road and the layout of the cross-over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross-over points shall be implemented in accordance with the approved details.

7. No works on the construction of the IWFM shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

8. No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.

9. No vehicles shall park on the haul road between the A120 and Ash Lane.

10. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

11. No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.

12. No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.

13. No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 (which can be found in the S106 agreement)) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.

14. No development shall commence until details of the design of the stack serving the IWFM have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:

- (a) elevations, sections and plan views to appropriate scales and construction details;
- (b) samples of the finish of the stack to provide a mirrored reflective surface; and

(c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality of the surface of these materials.

The stack shall be constructed and maintained in accordance with the details approved

15. No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.

16. Not used

17. No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.

18. No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.

19. No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

20. No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.

21. No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.

22. No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.

23. No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

24. No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.

25. No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any remediation and mitigation identified.

26. The market de-inked paper pulp plant shall only source its heat steam and energy from the IWWMF with the exception of periods of start-up and maintenance and repair of the IWWMF.

27. No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.

28. (i) SRF shall be sourced internally from the IWWMF or within the administrative boundaries of Essex and Southend-on-Sea.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source SRF from these sources and there remains capacity within the IWWMF, then SRF arising from elsewhere within the East of England may be used up to the available capacity for a period up to three years from the date of the agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

29. No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.

30. (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

31. No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWWMF buildings and structures.



32. All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

33. No vehicle shall leave the IWWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

34. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:  
07:00-18:30 hours Monday to Friday; and,  
07:00 -13:00 hours Saturdays;  
and shall not take place on Sundays, Bank and Public Holidays

except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

35. The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

36. No waste or processed materials shall be imported or exported from any part of the IWWMF other than between the following hours:  
07:00 and 18:30 hours Monday to Friday; and,  
07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays

except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

37. No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.

38. Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour ) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties  
Location Criterion  
dB L A eq 1 hour

Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47

Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

39. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

40. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.

41. Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWMMF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

42. For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.

43. No lighting for use during excavation of materials or construction of the IWMMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWMMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

44. No lighting for use during operation of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

45. No development shall commence until a detailed phasing scheme for the construction of the access road for the creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

46. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.

47. Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition<sup>3</sup> and no movement of soils shall take place:

During the months November to March (inclusive);

(a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

(b) When there are pools of water on the soil surface.

<sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

48. No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

49. Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

50. Prior to the commencement of development, details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.

51. (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the

site during excavation of materials and construction of the IWMF

(b) No beneficial occupation of the IWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- (i) ; The suppression of dust caused by handling, storage and processing of waste; and
- (ii) Dust suppression on haul roads, including speed limits.

In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

52. (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.

(b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.

53. Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development, the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.

54. No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Ecological trends and constraints on site that may influence management;
- (iii) Aims and objectives of management;
- (iv) Appropriate management options for achieving aims and objectives;
- (v) Prescriptions for management actions;
- (vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
- (vii) Personnel responsible for implementation of the plan; and,
- (viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The development shall be implemented in accordance with the approved plan.

55. No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.

56. Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.

57. No development shall commence until details and a timetable for implementation for all

bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.

58. Any tree or shrub forming part of the retained existing vegetation or the planting 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 construction of the IWFM, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

59. No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.

60. No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IWFM for the period of the excavation of materials and construction of the IWFM, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.

61. No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.

62. Prior to commencement of development, details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles, shall be submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.

63. Prior to commencement of development, details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to "Stop" rather than "Give Way". The details shall be implemented as approved.

**DR/05/16**

committee                      DEVELOPMENT &amp; REGULATION

date                                26 February 2016

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**MINERALS AND WASTE**

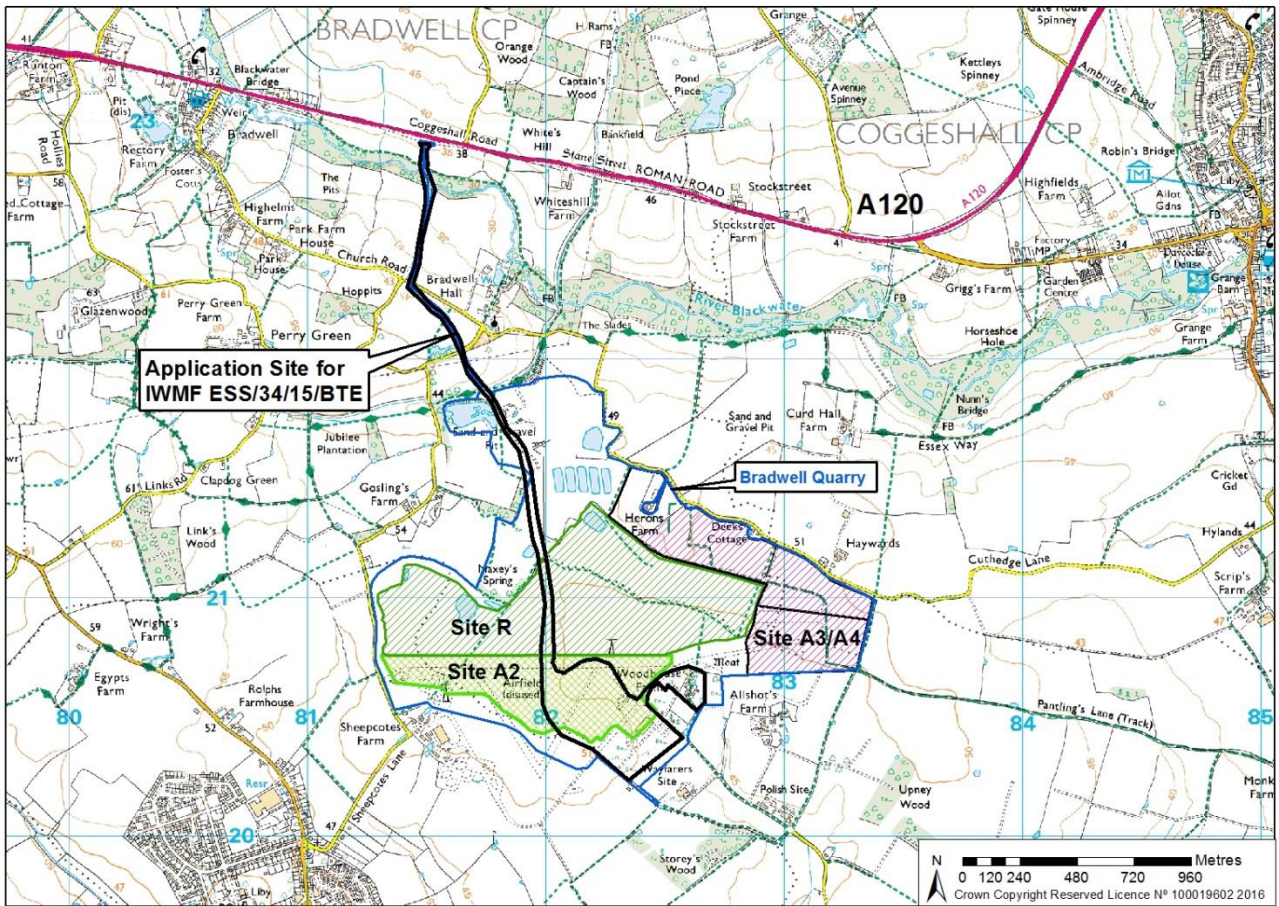
Proposal: **Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 Signage, Telecommunications & Lighting at Woodhouse Farm complex, 14 Stack design and finishes, 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing – temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping – bunding & planting), 59 (trees, shrubs and hedgerows – retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points – lining and signing)**

Location: **Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF**Ref: **ESS/34/15/BTE**Applicant: **Gent Fairhead & Co. Limited**

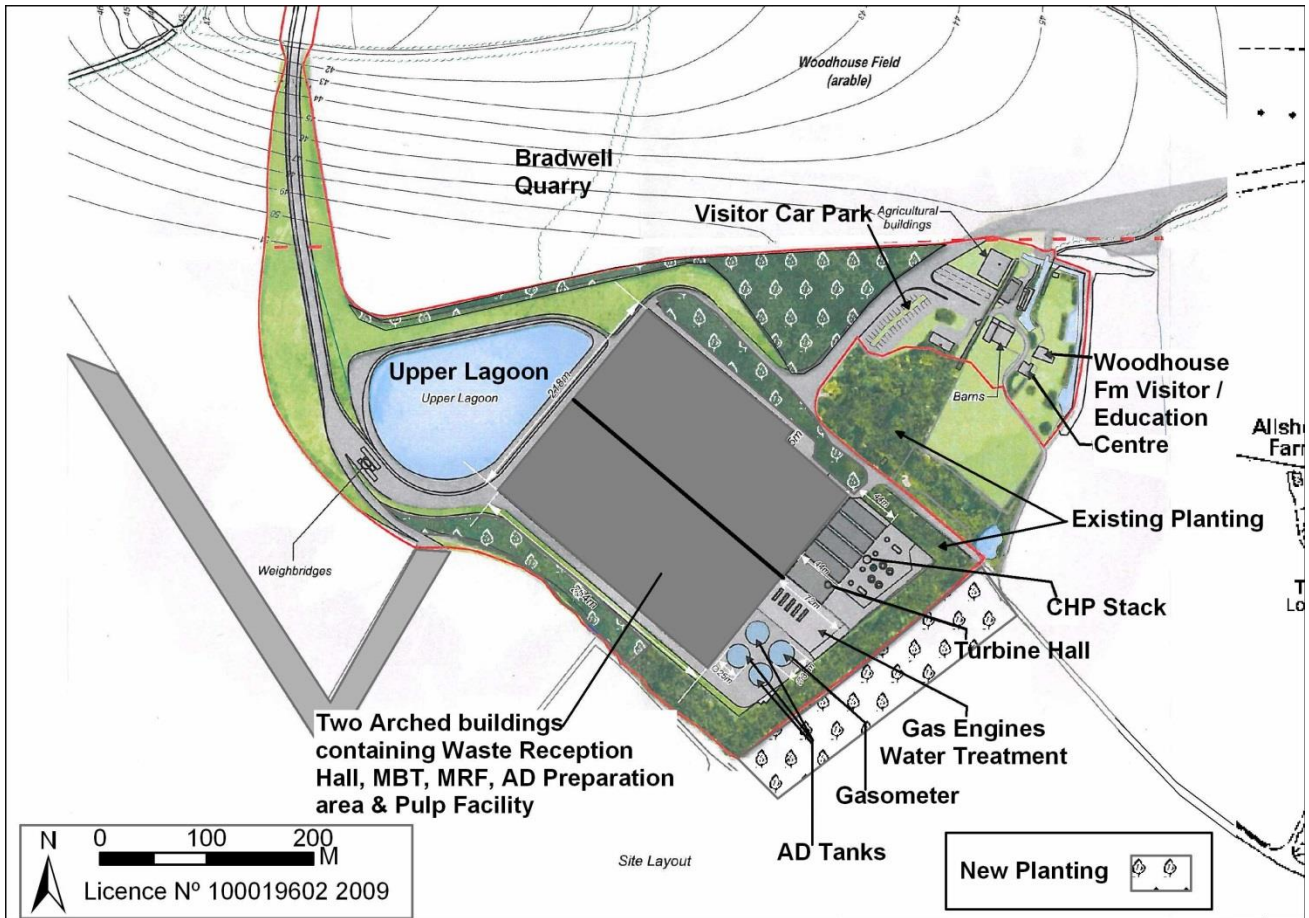
Report by Director of Operations: Environment and Economy

Enquiries to: Claire Tomalin Tel: XXXXXXXXXXThe full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

# Location plan



## Permitted layout of ESS/37/08/BTE



## Proposed Layout ESS/34/15/BTE – internal layout of the building only indicative





## 1. BACKGROUND

In 2006 a planning application (ESS/38/06/BTE) was made for a Recycling & Composting facility (RCF) at Rivenhall airfield. The proposal included a two arch building sunk below natural ground levels following mineral extraction. The application included a Materials Recycling Facility, Mechanical Biological Treatment facility and Anaerobic digestion. The planning permission was issued in 2009, but expired in 2014.

In August 2008 a further planning application (ESS/37/08/BTE) was made for the evolution to the Recycling & Composting Facility (the eRCF, now known as the Integrated Waste Management Facility (IWMF)) at Rivenhall airfield. This application included the same elements as the 2006 application but extended the facility to include a Combined Heat Power plant and de-ink paper pulp facility but remained on the same footprint as the RCF. The application was “called-in” for determination by the Secretary of State (SoS). The Committee nonetheless considered the application in April 2009 and it was resolved that, had the decision been left to the Waste Planning Authority, the development would have been approved subject to conditions and a legal agreement.

The Call-In Public Inquiry was held in Sept/Oct 2009 and the Secretary of State (SoS) issued the Inspector’s report and decision on 2 March 2010, granting planning permission subject to conditions and a legal agreement. The Inspectors Report and SoS decision letter from 2010 are attached at Appendix H & I

To date the planning permission issued by the S-o-S has not been implemented.

The permitted IWMF scheme is a waste facility permitted to receive Local Authority Collected Waste (LACW) and/or Commercial and Industrial (C& I) waste. The permitted IWMF consists of a two-arched roofed building set partly below ground level. Some plant would be located to the rear of the building, but would be no higher than the height of the building except for a stack limited to 85m Above Ordnance Datum (or 35m above natural surrounding ground levels).

The permitted IWMF includes an

- Anaerobic Digestion (AD) facility treating food and green waste generating biogas for production of electricity on site and generating a compost like output.
- Materials Recycling facility (MRF) which would sort through waste recovering recyclables such as paper, card, plastics and metal. Recyclables, except some paper would be exported from the site for reprocessing.
- Mechanical Biological Treatment (MBT) facility, treating waste by mechanical treatment e.g. shredding and then biological treatment using air and moisture to bio-stabilise the waste, the output being a Refuse Derived Fuel (RDF)
- Combined Heat and Power (CHP) plant, using the RDF generated on site and some imported to RDF/Solid Recovered Fuel (SRF) to generate heat, steam and electricity to be used on site. Some electricity would be exported

- to the National Grid.
- De-Ink Paper pulp plant would reprocess waste paper imported to the site, as well as any suitable paper recovered by the MRF and would utilise, heat, steam and power generated by the CHP. Paper pulp board would be exported from the site

The IWMF planning permission also included the extraction of 750,000 tonnes of sand and gravel, as well as clays and overburden, to enable the building and plant to be partly below natural ground levels. In 2011 a planning application (ESS/32/11/BTE – site A2) was made for the extraction of sand and gravel within the area known as site A2 and included the site of the IWMF. Planning permission was granted in February 2013 which gave consent to extract the majority of the mineral permitted to be removed as part of the IWMF. There remains 100,000 tonnes of sand and gravel to be extracted below Tree Preservation Order (TPO) woodland within the site of IWMF. Site A2 has now been worked for sand and gravel, the airfield hangar removed and the area under restoration. The site for the IWMF is permitted to be restored to a bowl under the mineral permission and is required to be restored independently to this if the IWMF permission was not implemented.

In October 2014 the Committee considered a planning application (ESS/41/14/BTE) to amend the original planning permission for the IWMF to allow an extension of time of 2 years to the period for implementation of the planning permission. Planning permission was granted for a one year extension of time in December 2014 such that the permission is required to be implemented by 2 March 2016. The applicant has appealed (PINS Ref APP/Z1585/W/15/3053088) decision, seeking to obtain the additional year until 2 March 2017 and a decision is awaited from the Planning Inspectorate.

A further planning application (ESS/55/14/BTE) was made in December 2014 and considered by the Committee in February 2015, which sought to delete two conditions such that the imported RDF/SRF to be utilised in the CHP facility and paper and card to be processed within the paper pulp facility could be sourced without constraint as to its geographical source i.e. outside of Essex & Southend. The application was granted and the conditions deleted. The most recent permission for the IWMF is therefore ESS/55/14/BTE. A copy of the conditions attached to ESS/55/14/BTE is set out in Appendix A.

The variation application for the IWMF seeks to vary planning permission ESS/55/14/BTE and secure discharge of some conditions.

Since the submission of the application to vary the IWMF permission a separate planning application (ESS/07/16/BTE) was made in January 2016, to allow utilisation of the overburden from the IWMF site to be used in the restoration of Bradwell Quarry, rather than as currently permitted which requires it to be exported from the site. This separate application also seeks to allow the remaining mineral within the IWMF site to be processed at Bradwell Quarry and to allow creation of a temporary water lagoon to enable the permitted New Field Lagoon to be constructed while still ensuring adequate water supply for the quarry and capacity to manage surface water. This application is currently at consultation stage, but in

the event it was unacceptable, implementation of the IWMF overburden would not be precluded as the overburden could still be exported as currently permitted.

The current application (ESS/34/15/BTE) has been supported by all of the previous submitted Environment Impact Assessment (EIA) information, and is also supported by a review of all the matters previously considered to assess whether as a result of the proposed amendments further reassessment of the environmental impacts were required. Where appropriate updates were provided.

Further information has been required to be submitted to support the current planning application.

This further EIA information was submitted to cover the following matters:

- An updated and comprehensive assessment of the environmental baseline applicable to the entirety of the proposed development.
- A cumulative Impact Assessment taking account of all reasonable foreseeable developments, including the adjacent mineral workings, the necessary connection to the National Grid, water abstraction and discharge pipework.

It should be noted that while the further information considered the environmental impact of the cabling required to connect the IWMF to the National Grid and the pipework for the water abstraction and the potential future water abstraction with discharge, the routes of the cabling and pipework do not form part of the current application.

A review of the Environmental Statement is set out in Appendix G

An Environmental Permit application for the IWMF was submitted to the Environment Agency in November 2015 and was subject of public consultation by the EA. To date an Environmental Permit remains to be issued.

NB There is a glossary of abbreviations at Appendix J.

## **2. SITE**

The application site is located east of Braintree, approximately 3km south east of Bradwell village, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall. The application site totals 25.3 hectares and includes the access road from Coggeshall Road (A120 trunk road).

The area for development of the IWMF lies on the southern part of the former Rivenhall airfield, now largely removed following mineral extraction as part of Bradwell Quarry. The site of the IWMF itself is located approximately 1.7km south of Coggeshall Road and includes the Grade II Listed Woodhouse Farm and its buildings and includes the 6ha area identified as a “preferred location for waste management” (WM1) in the Waste Local Plan 2001. The site also includes TPO woodland.

The site for the IWMF overlaps with Bradwell Quarry where sand and gravel extraction with low level restoration to agriculture/biodiversity/water and woodland is anticipated to be completed by 2018. However further preferred/reserved sites are allocated in the Minerals Local Plan 2014 which would extend the life of the quarry if granted. The location plan shows the extent of previous and current mineral extraction areas; Site R permitted in 2001; site A2 permitted in 2011 (which included extraction in part of the site for the IWMF); and sites A3 and A4 which were granted permission in March 2015 and extraction is now operational in this area.

The site is set within a predominantly rural character area, consisting of arable crops in large fields, often without boundaries resulting in an open landscape. West of the site is a 48m (above natural ground level) radar mast positioned next to Hangar No. 1, approximately 370m west of the site. The landform around the site forms a flat plateau at about 50m AOD, although the restored minerals workings to the north are at a lower level. There are limited elevated viewpoints from which to oversee the site, but there are some views from higher ground to the north east.

The nearest residential properties not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the site at 400m and 450m respectively from the proposed waste management facility. To the north east on Cuthedge Lane lies Haywards 950m from the proposed waste management facility, Deeks Cottage at 860m and Herron's Farm at 720m from the proposed waste management facility and 460m from the site access road. To the west of the site on Sheepcotes Lane lies Sheepcotes Farm 470m from the site boundary, Gosling's Cottage at 900m from the site boundary, Gosling's Farm 900m north west of the site boundary, Goslings Barn 880m from the site boundary and Greenpastures 470m north west of the site boundary. Properties to the southwest within Silver End village lie over 1km from the site boundary. Parkgate Farm lies south of the site approximately 1km from the site boundary. 200m to the east of the haul road lies Bradwell Hall.

The permitted access route to the site would share the existing access on the A120 and the access road currently used to access Bradwell Quarry. The access route crosses the River Blackwater by two bailey style bridges and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan Review 2005 - BDLPR). The access road is two way from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane and then two way south of Ash Lane. The crossing points on Church Road and Ash Lane are both single lane width only.

Apart from the access road the land comprising the subject application site has no designations within the BDLPR.

There are three County Wildlife Sites within 3 km of the site at Maxeys Spring, Storeys Wood and Blackwater Plantation.

There are seven Grade II Listed properties in the vicinity of the site, including, Allshots Farm (400m away) and Sheepcotes Farm (470m away) located to the east

and west of the airfield respectively. To the south west Bower Hall (1.2km away) and to the south east Porter's Farm (1.3km away) and to the north west Goslings Farm (900m away), to the north east Curd Hall (1.3km away) and finally to the east of the haul road Bradwell Hall (200m away from haul road).

Three footpaths (FP's 19, 57 (Essex Way), 58) are crossed by the existing quarry access road and the extended access road would cross the FP35. There is also a public footpath No. 8 routed through the eastern part of Woodhouse Farm complex.

### 3. PROPOSAL

The current application includes 2 main elements namely:

- I. To amend the permitted plans for the IWMF (as set out in Condition 2). The main changes arising from this are a slightly reduced building size and change to the size and capacity of the different waste processes forming the IWMF.
- II. To discharge a number of the pre-commencement conditions attached to ESS/55/14/BTE. The discharge of the conditions has been submitted with the application as the details submitted take account of the changes proposed as amendments to permitted drawings approved under Condition 2.

#### Amendments to condition 2 of ESS/55/14/BTE

With respect to the amendment of details the application seeks to amend the drawings set out within condition 2 of the planning permission, which propose changes in the physical layout and size of the buildings and plant, and changes the capacities of the various waste of the IWMF.

The changes in the proposed capacities of the different IWMF processes are set out below:

Process	Previous tpa	Proposed tpa
Materials recycling facility (MRF)	287,500	300,000
Mechanical Biological Treatment (MBT)	250,000	170,000
Anaerobic digestion (AD)	85,000	30,000
Combined Heat & Power (CHP)	360,000	595,000
De-ink paper pulp plant	360,000	170,000
Total	1,342,500	1,265,000

The total tonnage of waste and waste paper to be imported to the site is not proposed to be changed; this is controlled by condition at 853,000 tonnes per annum. Some of the waste materials delivered to the site are likely to go through more than process, thus the totals above exceed the maximum input figure. For example the waste material that would go through the MBT process would also go through the MRF (to recover recyclables) and the residue would be RDF for use in the CHP plant.

Only an indicative internal and external layout for the IWMF is provided within the application, the detail of the plant is required to be approved by condition prior to installation. The planning permission was conditioned in this way as the exact detail of the plant would not be known until completion of the Environmental Permitting process administered by the Environment Agency.

The MRF contained within the main building would consist of two process lines; one to recover recyclate from the output of the MBT, giving the last opportunity to recover recyclates, the other to deal with C & I waste which had not been subject to pre-sorting prior to receipt at the IWMF. This is not dissimilar to what could happen under the original permission.

In the original proposals sludges generated by the de-ink paper plant were to be used as fuel within the CHP. However the clay materials separated from these sludges are now proposed to be exported from the site and used as soil conditioner.

Extracts from the previously approved and proposed layouts earlier in this report show the overall layout of the permitted facility and the proposed amendments. A comparison of the cross sections for both the permitted and the indicative internal layout of the main building are set out in Appendix B. All submitted drawings and supporting information can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning). The physical changes to structures and buildings and the location of various elements of the IWMF are described and summarised below:

<b>Structure</b>	<b>Permitted</b>	<b>Proposed</b>
<u>Main facility building</u>		
Length at longest point	298m	262m
Length at shortest point	254m	224m
Width at front	218m	204m
Width at rear	203m	188m
Roof design	2 arches	Unchanged
Max height of arched roofs	60.75m AOD	Unchanged
Base height north end	35m AOD	Unchanged
Base height south end	33m & 30m AOD	35m and 30m AOD
MRF location	Within the main building	Unchanged
MBT location	Within the main building	Unchanged
Waste paper storage and marketed-inked paper pulp (MDIP) plant	Within the main building	Unchanged
<u>CHP Plant</u>		
Boiler lines	4	2
Height south section	54m AOD	60.75m AOD
Height north section	60.75m AOD	Unchanged
AD Tanks	Located to the rear of the building 63m AOD	Located within the main building with the gasometer tank to rear of main

		building height 59.6m AOD
Waste Water Treatment building	Located rear of main building below boilers 40m x 72m x 21m	Contained within main building
<u>RDF bunker</u> Location	Mainly with main building 9m AOD	Within main building 18m AOD
Base depth		
Retaining structures to void	Vertical concrete walls	Reinforced slopes (soil nailed walls)
<u>Upper Lagoon</u> Area Capacity	1.6ha 90,000m <sup>3</sup>	1ha 25,00m <sup>3</sup>
New Field Lagoon (outside site) Max capacity	750,000m <sup>3</sup>	726,000m <sup>3</sup>
Access road around the perimeter of main building of the IWMF	Height 33 – 40m AOD	Height 35m -30m AOD

The permitted IWMF includes extending the existing access road from the mineral processing area of Bradwell Quarry to the site of the IWMF. The permitted IWMF includes improving the crossing points with Church Road and Ash Lane, such as improved surfacing, lining, signing and traffic calming. The permitted IWMF also includes making the section of existing access road between Church Road and Ash Lane, which is currently single lane with passing places two lane, with the crossing points remaining single lane. There are no other changes to the access road as part of this application, except for some minor changes. The minor changes include a slight horizontal and vertical realignment of the access road near the IWMF itself and a change in levels of the access road that passes around the buildings and plant of the IWMF.

The application proposes modifications to the locations of doors into the main building. Originally two doors were located on the front of building, but circulation of vehicles as permitted meant that vehicle entrance and exits to the building were located on the sides of the buildings. The indicative revised internal layout for the main building proposes four doors on the front of the building as well doors on the sides of the building with vehicles utilising these front doors as part of the circulation of vehicles through and around the facility.

The permitted IWMF envisaged that the water required for the facility would be stored within Upper Lagoon (within the site north of the building) fed from New Field Lagoon (outside the site and formed as part of the mineral restoration). The Upper Lagoon would be used to collect all surface water from the facility i.e. from roofs and would be used to store water collected from the waste processes which would have been previously treated in a Waste Water Treatment Plant on site. Surface water from the surrounding agricultural land would feed New Field Lagoon and water would be extracted from New Field Lagoon as needed. It was anticipated that these supplies would supply much of the facility with water, but would be supplemented with water from an abstraction point or from mains water.

The current application has amended the water management to the facility. The size of Upper Lagoon has been reduced and New Field Lagoon is a similar size but the shape has been amended as permitted under the restoration scheme for Bradwell Quarry. In developing the detail of the facility, the paper pulp technology has been amended and a greater volume of water is required, to achieve the high quality recycled paper pulp. Thus the proposals include utilisation of an existing abstraction licence which allows abstraction of water from the River Blackwater. The licence is subject to both volume and time of year limitations as well as their needing to be a minimum flow within the river for abstraction to be permitted. The pipework and abstraction point needed to utilise this water supply do not form part of the application, but the amended/updated Environmental Statement (ES) considers the Environmental Impacts of the likely route of the pipework. The capacity within Upper Lagoon and New Field Lagoon would enable water to be abstracted and stored such that should there be periods of drought, there would still be adequate water to supply the facility. Water would be treated on site such that water would be recirculated through the lagoons with no need for a discharge from the facility.

The CHP, when initially proposed as part of the planning application envisaged 4 boiler lines at 90,000tpa (total 360,000tpa). The evidence submitted at the Public Inquiry envisaged 3 lines and this has now been reduced 2 and the footprint of the CHP reduced from 12,200m<sup>2</sup> to 11,200m<sup>2</sup>.

The amount of electricity to be generated at the facility has changed due to the change in size of capacities, in particular the capacity of the CHP. Under the permitted scheme the combined output of the AD and CHP facility was 36-43 MW. About half the power would have been used on site such that it was anticipated that 21MW could have been exported to the National Grid. The combined electrical output of the AD and CHP under the amended proposals would be approximately 50MW, the majority produced by the CHP. Power would be used on site such that approximately 28MW would be available for export to the National Grid, an increase of 9MW.

In order to export electricity to the National Grid there is likely to be an underground cable to the sub-station near Galleys Corner, south east of Braintree. This cable does not form part of the planning application but the environmental impacts of the likely route, which mainly follows the route of the access road and existing highways, has been assessed as part of the ES. The laying of the cable would likely be permitted development by the electricity statutory undertaker. There would also be need for pipework to enable abstraction of water from the River Blackwater. Once again the pipework does not form part of the application, but the Environment Impacts have been considered.

The height of the CHP stack (85m AOD i.e. 35m above surrounding natural ground levels) is not proposed to be changed.

The application does not propose changes to the maximum number of HGV movements (404 daily movements 202 in 202 out) Monday to Friday and (202 daily movements 101 in 101 out) Saturdays. However with a change in capacities of the



various elements of the IWMF, the resulting the HGV movements and payloads associated with the different processes have changed (i.e. CHP, MDIP, WWTP consumables and sludge from the MDIP). Taking account of these changes It has been demonstrated that the IWMF could still be operated within the permitted HGV limits. A summary of the previous and proposed HGV movements associated with each of the different elements of the IWMF are set out in Appendix C

The permitted hours for construction and subsequent operation of the IWMF are also not proposed to be changed. During the construction period of 18 to 24 months the hours of operation would be 07:00 to 19:00 seven days a week. The permitted hours of operation for the receipt of incoming waste and departure of outgoing recycled, composted materials, ash and residues etc. are 07:00 to 18:30 Monday to Friday and 07:00 to 13:00 Saturday with no normal deliveries on Sundays, Bank and Public Holidays. The permitted hours also allow potential deliveries from ECCs Waste Disposal Authority (WDA) outside of these hours. Due to the continuous operational nature of the waste treatment processes, the waste management facility would operate on a 24 hour basis but this would not involve external activity for large scale plant or HGV movements outside the normal operating hours for the receipt of waste.

The proposals continue to include the restoration of Woodhouse Farm buildings with their use as an education visitor centre, with space for a heritage area for the WWII airfield. The applicant as part of the current application has offered to provide the role of an education/waste minimisation officer to be based at the Rivenhall site.

#### Submission of details required by Pre- Commencement Conditions

Several of the conditions of planning permission ESS/15/14/BTE require the submission of details prior to commencement of development. Some of the details required are affected by the changes proposed under condition 2 and therefore have been submitted as part of the application, such that if the changes proposed under condition 2 are found to be acceptable the details submitted with respect to conditions are relevant to the revised permission.

The list below gives the condition numbers from planning permission ESS/55/14/BTE and the subject matter of the details submitted to discharge the conditions

- 6 - Access road, cross over points
- 13 - Signage, Telecommunications & Lighting at Woodhouse Farm complex,
- 14 - Stack design and finishes,
- 15 - Design details and construction materials
- 17 - Management plan for the CHP,
- 18 - Green roof,
- 20 - Construction compounds, parking of vehicles,
- 22 - Foul water management,
- 23 - Surface water drainage and ground water management,
- 24 - Groundwater monitoring,
- 37 - Signs on access road at footpath crossings,

- 43 - Lighting scheme during construction,
- 45 - Phasing scheme for access road, retaining wall and mineral extraction,
- 50 - Fencing – temporary and permanent,
- 53 - Ecological survey update,
- 54 - Habitat Management Plan update,
- 57 - Landscaping, bunding and planting,
- 59 - Trees, shrubs and hedgerows – retention and protection,
- 60 - Tree management and watering adjacent to retaining wall,
- 61 - Woodhouse Farm parking and landscaping,
- 62 - Traffic calming measures at River Blackwater for otters and voles and
- 63 - Access road crossing points including lining and signing

The majority of the information is submitted in plan form and therefore not described in detail here. All drawings and details can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

The application was supported by the original Environmental Statement (ES) submitted in 2008 with additional information to update and take account of the proposed changes. Further information to support the ES was also required and submitted. The further information clarified the different assessments that have been relied upon to make updates to the original ES. The further information also considered the cumulative impacts of the development with any other relevant developments. In doing so it assessed the environmental impact of the pipework that would be required to link the site to the water abstraction point and the impact of potential discharge from the site. The further information also assessed the cabling route that would be required to enable export of surplus electricity to the National Grid. However, while this enables the Cumulative Environmental Impact of the cable/pipework to be considered, the application, if granted, would not give consent for the route of the pipework or the electricity cable.

#### 4. POLICIES

The following policies of the [Essex and Southend Waste Local Plan](#) (WLP) adopted 2001, [Mineral Local Plan](#) (MLP) adopted 2014, the [Braintree District Council Local Development Framework Core Strategy](#) 2011 (BCS) and [Braintree District Local Plan Review](#) 2005 (BDLPR) provide the development framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>MLP</u>	<u>BCS</u>	<u>BDLPR</u>
Waste strategy	W3A			
Receipt of Essex wastes only	W3C			
Flooding and surface water	W4A			
Surface & ground water	W4B			
Highways	W4C			
Composting within buildings	W7A			
Support for anaerobic digestion and composting	W7C			
Energy from waste incineration	W7G			
Preferred locations for waste	W8A			

management				
Development control criteria	W10E			
Hours of working	W10F			
Safeguarding/improvements to Rights of Way	W10G			
Preferred and reserve sites for sand and gravel extraction		P1		
Presumption in favour of sustainable development/ Sustainable development locations		S1		
Protecting and enhancing the environment and local amenity		S10		
Access and transportation		S11		
Mineral site restoration and afteruse		S12		
Development management criteria		DM1		
Planning conditions and legal agreements		DM2		
Primary processing plant		DM3		
Countryside			CS5	
Promoting accessibility for all			CS6	
Natural Environment and Biodiversity			CS8	
Built and Historic Environment			CS9	
Industrial & Environmental Standards				RLP 36
Transport Assessments				RLP 54
Pollution control				RLP 62
Air quality				RLP 63
Contaminated land				RLP 64
External Lighting				RLP 65
Water supply and land drainage				RLP 71
Water quality				RLP 72
Landscape Features and Habitats				RLP 80
Trees, Woodland, Grasslands and Hedgerows				RLP 81
Protected species				RLP 84
Rivers corridors				RLP 86
Protected Lanes				RLP 87
Layout and design of development				RLP 90
Alterations, extensions and changes of use to Listed Buildings and their settings				RLP 100
Archaeological Evaluation				RLP 105
Archaeological Excavation and Monitoring				RLP 106

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to 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 that there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole; or specific policies in this NPPF indicate development should be restricted.

The NPPF combined and streamlined all planning policy except for waste. 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 is a material consideration in planning decisions.

Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans 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). It is considered this is applicable to the WLP, BCS and BLP.

With regard to updates/replacements or additions to the above, the Framework (Annex 1, paragraph 216) states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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;
- The degree of consistency of the relevant policies in the emerging plan to the policies in 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 WLP 2001 is not considered up-to-date however the overarching principles of the Waste Hierarchy and the Proximity Principle do form part of its core emphasis. The Waste Planning Authority (WPA) has recently prepared a Pre-Submission draft Replacement Waste Local Plan (RWLP) with public engagement anticipated in March 2016. The document is supported by an evidence base including The Waste Capacity Gap Report of 2014, an Addendum to this document published in 2015 and a further update which is anticipated to be published shortly. The RWLP process has also considered a number of potential sites for waste management and suggested preferred sites on the basis of selection criteria seeking to give rise to the least environmental impact. None of these documents have been subject to an Examination in Public and therefore can only be given limited weight, but do provide the best information available as to waste arisings and capacities required for the Essex & Southend in the future.

Braintree District Council originally intended to create a Local Development Framework which it was envisaged would supersede the Local Plan Review in its entirety. In this regard, the BCS was adopted on 19 September 2011 and it was anticipated that the remaining BLP policies would be replaced by those to be contained in a Site Allocations and Development Management Plan. At a Braintree District Council meeting on 30 June 2014 it was however resolved not to proceed with the Draft Site Allocation and Development Management Plan. Work has now instead commenced on a new Local Plan, which will set out the Council's strategy for future development and growth up to 2033. The new Local Plan will ultimately replace the BLP and BCS however at the current time it is not considered is at a sufficient stage to have significant weight in the determination of this application.

## 5. CONSULTATIONS

The application has been subject to two periods of consultation in August 2015 and January 2016. The responses from both consultations are set out below. Where specific comments were provided with respect to pre-commencement conditions these are identified.

**BRAINTREE DISTRICT COUNCIL:** Object on the following grounds:

- It appears to be the case that the implementation of the IWMF has been compromised by a combination of the economic downturn and the opening of the Courtauld Road facility. As a result of these factors its planned function has shifted from being a facility designed to treat a mix of Municipal Solid Waste (MSW), dry recyclables, green waste, with the input of Solid Recovered Fuel (SRF) being a relatively small element (87,500 tpa), to a facility that will focus on Commercial & Industrial (C & I) waste and making use of an evidently expanding supply of SRF which is currently being exported from the Courtauld Road facility, and no longer has the value it was expected to have when the IWMF was approved. In some ways, SRF seems to represent the new lowest rung of the waste hierarchy now that much less waste is landfilled. Also, the facility would treat much less green waste and much less paper and card for pulping.
- The District Council acknowledge that the appeal Inspector accepted the need for flexibility in the integrated processes within the IWMF and did not set maxima or minima for individual elements, it is also clear that weight was attached to the extent to which the different elements interacted and drove treatment up the waste hierarchy. Now that the proposals show a dramatic drop in the volume of C & I paper to be recycled there must equally be a reduction in the extent to which the Combined Heat and Power (CHP) supports the paper pulping function. In this respect, and combined with the reduction in green waste recycling/ recovery through Anaerobic Digestion, there would appear to be a down-grading of its status as a facility that moves waste treatment up the waste hierarchy.
- Given the doubts that existed at the appeal stage about the ability to source paper and card (and the market for the de-inked paper) and the fact that the volume to be processed is now to be so much less, the need for the scale of CHP must be reduced as well. This brings into doubt the justification for the mix of treatment now proposed in the context of waste policy.

- It is noted that the policy context in which such proposals are considered has also changed significantly since the appeal decision in 2009. The saved policies of the Essex and Southend Waste Local Plan (WLP) remain extant, but are considered somewhat out of date in line with relevant NPPF guidance. In the absence of up to date waste local plan policies, significant weight is given to the National Waste Management Plan for England (NWMP) and National Planning Policy for Waste (NPPW). Relevant saved policies of the Braintree District Local Plan Review (BDLPR) remain extant. The objectives of policy remain that of promoting the sustainable management of waste in accordance with the waste hierarchy, without giving rise to unacceptable adverse impact on the environment or local amenity.
- In view of all of the above factors, the District Council expresses serious reservations about the County Council's decision to consider such a significant change to the waste treatment mix proposed for the IWMP through the Section 73 application route as these changes relate to the fundamental justification and needs case upon which permission was sought and granted. With a significant change to the anticipated treatment mix, the needs case and justification need to be robustly tested in the context of prevailing policy and circumstances.

#### ENVIRONMENT AGENCY:

Variation of Condition 2 (application details): No objection. Consider that the proposed modifications to the building size, retaining wall design and realignment of the access road do not appear to have any material impacts that would lead them to alter any advice given on planning matters in their earlier comments on the approved integrated waste management facility. No comments to make on the changes to the various new drawings submitted for the purpose of this application.

Condition 14 (stack design): No specific comments on the discharge of this condition.

Condition 17 (Management plan for stack plume): No objection: Air dispersion modelling will need to be submitted in support of an application for an Environmental Permit. It will be assessed along with other factors such as energy efficiency which can impact on the visibility of the plume. Will however take into account the requirement of the planning permission to ensure there is no visible plume from the stack. We have no other comments on this matter in terms of planning.

Conditions 22 (Foul water management): No objection. It is understood foul water from offices etc would be managed using Klaargesters, the output from which would be removed from site.

Condition 23 (Surface water and groundwater management): No objection. Initially raised some concerns with respect to the use of groundwater as part of the water supply which would require an abstraction licence. Also that the water balance calculations for the closed loop water system, were based on an average year and did not take account of the fact that abstraction using the existing abstraction licence from the River Blackwater is subject to restrictions and it might not be possible to be used in all years. Additional information was provided by the

applicant as to the management of groundwater within the excavation and water balance calculations provided to demonstrate that the proposed closed loop system utilising the existing abstraction would be adequate to provide adequate water, taking into account potential draught years, resolving the concerns.

Condition 24 (Groundwater monitoring): No objection. Initially raised concerns that the proposed the groundwater monitoring scheme did not include monitoring of the quality of ground water or make provision for monitoring prior to commencement. But, additional information was provided by the applicant confirming the water quality analysis to be undertaken and that some groundwater monitoring data is already available, which would provide an adequate baseline, resolving these concerns.

NATURAL ENGLAND: No comments to make

HISTORIC ENGLAND: No comments to make as no Listed Building of Grade I or II\* are affected by the proposals.

HIGHWAYS ENGLAND: No objection

NATIONAL PLANNING CASE WORK UNIT: No comments received

PUBLIC HEALTH: No comments received

FIRE & RESCUE: No objection, further details would be required as part of building regulations.

THE COMMUNITY GROUP (Stop the Incinerator): Object on the following grounds:

- Application should not have been accepted as a variation, a new application should have been required.
- Incinerator is 65% larger with consequent increase in air pollution and need to export ash
- Height of stack still not clear
- The original intention of a closed loop relationship between the various types of waste processing is further compromised by paper sludge no longer being used as fuel and instead being exported by road
- Also concerned there might be road access via Woodhouse Lane

ESSEX WILDLIFE TRUST: No comments received.

RSPB: No comments received

ESSEX RAMBLERS:

Condition 2: Object on the grounds the application did not adequately show the location of existing public rights of way (PRoW) and thus does not show their interaction with the access road or how FP8, which passes through Woodhouse Farm Complex might be affected.

Comment: The drawings have been amended to include the locations of PRoW.

Condition 6: Object on the basis that insufficient detail had been provided of the proposed crossing points with access road and that the access road route would appear to be contiguous with the access road and in fact the routes of FP 56 and FP 57 are not on their definitive map routes.

Comment: Additional detail has been supplied for each crossing point and a separate PRow diversion application has been made for the routes of FP56 and FP 57 to ensure the definitive routes are those on the ground. The need for this diversion application relates to an historical situation not directly related to the IWMF proposals or the current planning application.

Condition 57: Express concern that the drawings do not show a gate to prevent access from Woodhouse Lane to the site.

Comment: The drawings have been amended to show a gate at the exit to Woodhouse Farm. A gate has been retained in case of the need for emergency access.

ESSEX BRIDLEWAY ASSOCIATION: No comments received

HIGHWAY AUTHORITY: No objection. From a highway and transportation perspective the impact of the proposal is acceptable subject to all previous highway related obligations and planning conditions relating to the construction of an Integrated Waste Management facility at Rivenhall Airfield being carried forward to planning application ESS/34/15/BTE.

The Highway Authority acknowledges that the applicant has requested variation of the timing of the highway works and payment of highway related contributions contained within the S106. The Highway Authority is satisfied that these changes are appropriate and are required to reflect changes in circumstances that have occurred since the original S106 was drafted.

HIGHWAY AUTHORITY (Public Rights of Way): No comments received

COUNTY COUNCIL'S NOISE CONSULTANT – No objection. The noise assessment demonstrates the amended proposals could be undertaken in accordance with the existing maximum noise limits. However, an updated noise assessment would be required once the details of plant have been confirmed.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT: Condition 17 (Management of visible plume) No objection. The submitted management would indicate that based on previous weather conditions there would have been one event when the plume would have been visible, but considers there should be a requirement to review the management plan, for visual plume monitoring and an action plan to record and respond to any occurrence of visible plume during operation.

Comment: The applicant subsequently submitted a management plan which addressed the above matters and was acceptable to the County's Air Quality Consultant.

ECC AS WASTE DISPOSAL AUTHORITY : No comments received

LEAD LOCAL FLOOD AUTHORITY: No objection



PLACE SERVICES (Ecology)

Condition 53 & 54 (Ecological survey update & Habitat Management Plan update): No objection. The general quality of these documents is noted and welcomed. As well as the relative longevity through the Section 106 agreement. Monitoring will be provided in the annual reports. It should be sufficient to demonstrate that all of the objectives in the Management Plan have been reached.

Some confusion exists as to nature of material to be used as part of the green roof.

Comment: Different substrates would be used below the growing green roof matting. Crushed concrete originally proposed to create habitats on the roof is now proposed to be used to create habitats on the sloping retaining walls.

Bats are known to roost in the Woodhouse Farm buildings and adjacent trees. A condition should be imposed requiring no works to Woodhouse Farm buildings until a licence has been obtained from Natural England.

PLACE SERVICES (Trees): No objection

PLACE SERVICES (Urban Design): No objection, subject to the window frames being grey.

Comment: The proposals have been amended to include grey window frames

PLACE SERVICES (Landscape): No objection

PLACE SERVICES (Historic Environment): No objection

PLACE SERVICES (Historic Buildings):

Condition 2: No objection

Condition 13 (signage, telecommunications and lighting at the Woodhouse Farm complex): No objection

Condition 61 (landscaping Woodhouse Farm complex): No objection

BRADWELL PARISH COUNCIL: Objects with particular reference as follows;

- Transport, while the number of vehicle movements in and out of the site will probably not exceed that allowed, there appears to be significant unnecessary movement of waste around Essex in order to maximise the use of ECC owned waste treatment facilities.

Comment: LACW is managed by ECC's Waste Disposal Authority. LACW is either bulked up at waste transfer stations or taken directly to the waste management facility at Tovi Eco Park, Courtauld Road, Basildon operated by Abaser Balfour Betty. The WDA has a contract for waste to be dealt with at Tovi Eco Park until 2040 and thus untreated LACW would not be available for importation at the Rivenhall IWMF – See appraisal for more detail.

- While the input volumes of waste remain within the approved levels, there is no mention of output volumes or the nature of output emissions/gases. The input volumes to the CHP have increased by 22-65% and the nature of the material which is being input has changed. Without the technical information as to nature of the inputs and emission volumes the Parish Council are not able to comment, but the total volume of output gases/emissions will not have gone down.

KELVEDON PARISH COUNCIL: Object on the following grounds

Firmly of the view that more variations are being requested than are reasonable without a whole new planning application being presented. This further variation represents further planning creep which has been allowed by ECC since 2010.

The application lacks clarity & details in particular:

a) The nature of the site seems to have changed from a reprocessing site into a full blown incineration plant that was not allowed in the original planning permission and this could become one of the 10 biggest incinerators in the UK.

b) Much of the supporting literature dates back to 2008 and relates to an entirely different situation/market conditions and/or application and thence should be discounted or a new full application made.

c) The Parish Council would like to see the legal advice ECC has received – internal or from an independent Barrister?

d) No mention is made of ESS/24/14/BTE – the gravel that needs to be extracted to facilitate this site. Will the site hover above the ground or nestle into the landscape?

Comment: The mineral required to be extracted to facilitate the IWMF was largely extracted as part of planning permission ESS/32/11/BTE for site A2.

Approximately 100,000 tonnes remain to be extracted as part of the IWMF development. Restoration of site A2 has commenced, such that it would be necessary to remove replaced overburden. This would either be exported from site or retained on site for restoration of other areas of Bradwell Quarry which is currently being applied for under planning application ESS/07/16/BTE).

e) The applicant has previously been refused their own entrance/exit on to the A120. What is the true level of lorry movements & how will local road networks cope with this extra volume of traffic?

Comment: The IWMF would utilise the existing access onto the A120 which would be shared with Bradwell Quarry. There is no intention for HGV traffic to utilise local roads and an obligation exists within a legal agreement to utilise only trunk or main roads

f) There has been no public consultation with the surrounding, expanding community – why not?

Comment: Consultation has been carried out in accordance with the adopted Statement of Community Involvement

g) No design details have ever been released covering filtration, stack height, downwind contamination, firefighting methodology, health risk, detection & sensing the effect on local amenities/footpaths.

h) Given the changing business conditions in the bulk waste industry and the creation of the Basildon (underutilised) IWMF, is there a social or business need for this plant?

i) Where is the detailed work outlining the social & historical impact on the surrounding community? Gent Fairhead have already let one historic building – Woodhouse Farm – fall into a perilous state.

j) We have seen no modelling by Gent Fairhead of the effect of noxious gases and/or dangerous heavy metals on surrounding areas.

Given all of these omissions the application needs to be turned down and a whole new & honest application made for what is effectively a new plant/works.

COGGESHALL PARISH COUNCIL (adjacent): Object on the following grounds:

1. The proposal is described as an “amendment” but would involve, we understand, a 60-65% increase in volume. This is a major development of an industrial incinerator, not an amendment to a local central heating plant.
2. It would have a significant and damaging effect on the environment and its residents – benzene gas, for example, one of the outputs, is toxic and would damage crops (the incinerator is set in arable land), people’s health, and the fabric of heritage and listed buildings in nearby Coggeshall, which is in the direction of the prevailing winds.
3. In a rural setting, a major incinerator of this kind would have an enormous and ugly visual impact and would be “over-bearing, out-of-scale and out of character”.
4. The proposal, especially when linked with the gravel extraction proposal (ref ESS/24/14/BTE), would dramatically increase traffic on the A120 with an untenable increase in heavy vehicle movements.
5. A number of important details are lacking in the application, such as the height of the stack, filtration methods, methane monitoring arrangements and gas cleaning processes.
6. Conditions - The application seeks to remove the consented drawings in condition 2 of ESS/55/14/BTE with the intention of both changing the internal layout of the plant and significantly altering the process balance.
7. Size and Scale -The Application is referred to as “minor” change to the plant, but includes: a major change to the water cycle of the plant, abstracting water from an area of Protected Drinking Water Supply namely the Blackwater (EA Source), discharge effluent into an area of nitrate vulnerable Zone in addition to the stack pollutants and discharge effluent into water into the Blackwater.  
Comment: No discharge is proposed as part of the application see Section F of Appraisal.
8. The applicant proposes an increase the CHP from 360,000 tpa to 595,000 tpa. We object to this increase since it clearly reduces all the recycling elements from the consented plant to balance the increased burning capacity thereby increasing the outputs and pollutants NPPW
9. Planning inconsistencies the application states that more ‘additional and more detailed information will be provided post the planning deadlines’ raising significant uncertainty with regard to the final design and specification. Consequently we object to the development of this magnitude and do not support the commencement or construction/development with incomplete plans and specification yet to be agreed.
10. Usage There are now several new facilities that have been completed during the delay associated with this plant and as such there is underutilisation at these plants. Proposed facility will not recycle commercial wastes, only generate RDF. More residues would be exported off site than recycle.
11. Environmental Impact The variation of the facility now proposes that of the (increased) 863,700 tpa inputs, only 163,771 tpa would be exported as recycles.
12. Uncertainty as will remove all previously agreed internal processing details as set out in condition 2 and no correlation between this and the Environmental Agency permit application, which impacts on the stack height conditions such as ‘no visible’ plume ‘
13. The impact of pollutants on Historic buildings in Coggeshall.
14. Support the application being ‘called in’ in by the Secretary of State and subject of a fresh Public Inquiry.

#### RIVENHALL PARISH COUNCIL (adjacent): Object

- The application is seeking to significantly vary the nature of the plant – yet at the same time removing the previously set out internal processing detail and substituting this with "indicative" drawings.
- There have been various planning permissions on the site. It is not the role of the planning system to allow “planning creep” whereby a scheme is moved by stages to something substantially different to that originally consented.
- It is accepted that the external appearance of the plant is not proposed to change significantly (though the stack height remains uncertain), however the key matter in this application is the proposed major change in the function of the plant in the way it treats waste, which was of course a key consideration of the 2009 Inquiry and the Secretary of State’s decision.
- The applicant has already had over 5 years to submit details and apply for an Environmental Permit. He has been given an extra year to March 2016 by Essex County Council yet is appealing to the Planning Inspectorate for another year to 2017 – a matter on which the Parish Council has already commented.
- At this late stage, it is unacceptable to allow a significant change in the function of the plant through a Section 73 application. The effect of the application to change the process flow diagrams and remove internal layout detail covered by condition 2 is not a minor change, it is a fundamental change, as discussed in more detail below.
- Furthermore, the applicant has stated in the current application that yet more applications will be submitted, which just adds to the planning creep.
- The intensified emphasis on incineration and raises questions about the description that it is an "integrated facility" and the status as a claimed “Combined Heat and Power” (CHP) plant. That latter description was only ever based on using heat and steam from the incinerator to (internal) benefit of the paper pulping plant, not for any external benefit. Now the new application proposes almost halving the capacity of the paper pulping plant.
- It is clear that the application seeks to make way for a much larger incinerator capacity by reducing recycling elements of the facility and changing the balance of internal waste circulation/export from the plant.
- The calculation shown by the applicant relating to energy yield is not a material consideration. The consented facility had an incinerator/CHP capacity of 360ktpa, not over 400ktpa as claimed. The consent capacity was set out both in the process diagrams, the text and was related to the transport assessments.
- The paper pulping plant is now proposed in the new application to be reduced from 360ktpa to just 170ktpa, a reduction of 53%. The paper pulping plant was advanced by the applicant, and was key to the 2010 decision, as a justification for such a large plant, located as it is in the countryside.
- The AD (food composting) plant is proposed to be reduced from 85ktpa to just 30ktpa.
- The "eRCF" was proposed as a "closed loop" system where the paper pulping plant and incinerator (CHP) were closely linked. This proposal was used to justify the CHP designation. However, now not only is the

incinerator proposed to rely far more on imported RDF (337.5ktpa), the previous proposal to use sludge from the paper pulping plant to fuel the incinerator has been abandoned. It is now proposed to export the sludge (68ktpa) by road.

- So it is clear that in order to make the incinerator capacity much larger, recycling elements of the plant have been greatly reduced, so that the overall plant capacity stays within its previous planning limit on total tonnage inputs.
- The much larger incinerator also results in the export of ash by road more than doubling. With the additional export of paper pulp sludge, the "closed loop" scenario of the consented plant is now much weakened (see details below).
- The current application includes a helpful comparison of the consented haulage tonnages and that now proposed as set out in tables 1 and 2 of the Traffic Flow Review. This information confirms the sharp shift in emphasis of the plant away from an integrated facility with a significant recycling function, towards a plant dominated by the burning and disposal of waste.
- The consented plant flows in table 1 show that of the 853,500 tpa total inputs, 300,500 tpa is exported as recycled product – a conversion rate of 35%. The landfill and ash exports are shown as totalling 117,575 tpa, a conversion rate of 14%. [It is understood that the balance tonnage loss is due to drying, digestion and burning].
- The new proposal in table 2 shows that of the total inputs of 863,692 tpa (note this breaches condition 29 of the consent), 163,771 tpa is exported as recycled product – a conversion rate of just 19%, almost halving that of the original consent proposal. The landfill, ash and new element of exported sludge are shown as totalling 231,054 tpa, a conversion rate of 27%, almost double that of the original consented proposal.
- So now, the applicant proposes that the plant will export far more waste material than recycled product, whereas in the 2010 consent it was the other way round.
- The Government required Gent Fairhead to submit updated Environmental information as set out in the letter of 13th November 2015 in respect of the Appeal for another year on the consent. Gent Fairhead has already had 6 years to submit the required pre-commencement details and legal matters. The Parish Council supports the ECC decision to only allow one year up to March 2016 and not another year to 2017. Essex County Council also required this updated information for the S73 "variation" application.
- The letter to Gent Fairhead set out a requirement to see "easily accessible documents". The Parish Council is concerned that the Applicant/Appellant actually submitted another large body of information spread across numerous documents that did not meet that test – and also introduced yet more new matters that have not been considered before in the planning history of the site. The Parish Council notes that with the new information uploaded to the Essex County Council website, there are now 370

documents, for what is described as a minor “variation of conditions” application by the Applicant/Appellant.

- The new matters relate to the fact that Gent Fairhead now states an intention to use the River Blackwater for both major water abstraction and the discharge of effluent. This is set out in a number of the new documents, including maps showing pipeline routes. The document “Foreseeable Developments” (Jan 2016) states “The River Blackwater would be the primary source for industrial water use at the site”.
- The Parish Council would submit to ECC that the River Blackwater is an important water body, both in terms of water resources (agriculture and water transfer as Essex has a summer deficit) and for its habitats. It flows along the boundary of Rivenhall Parish (downstream of the proposed waste plant) and the Parish Council has always sought to protect the quality and setting of the river and its tributaries.
- The recently expired water abstraction permit for the site was strictly limited in volume and time of year. It did not support what is now proposed and the current planning consent does not either. The Inspector to the 2009 Inquiry, whose report informed the Secretary of State decision in March 2010, concluded that use of water from outside the plant would be "minimal" as the evidence submitted by Gent Fairhead stated that water would be derived largely from internal recycling and rainwater. There was never any discussion of discharge to the river then or until now. Nor has there been any consideration until now of long pipelines across the countryside to a new abstraction/discharge location on the river, as described by Gent Fairhead in the new information.
- The plant water cycle has been consistently, over a period of some 8 years now, been described as a “Closed Loop” system. But the Applicant/Appellant now states that the plant would use both the public water main and the river for industrial processes with effluent discharge to the river. It is not evident as to why this change is being proposed, nor why it was not made clear years ago, nor why it is necessary now given that the primary water user on the site, the paper pulping unit, is proposed to be reduced in capacity by over 50% in the S73 application as compared to the extant consent.
- The much more significant use of the River Blackwater would require submission to the Environment Agency of detailed reports and the Parish Council understands that this process would be lengthy. Yet whilst the new planning information describes the new proposal for water use, the Environmental Permit application currently before the EA for the facility specifically rules out discharge to the river. Therefore, this matter is being treated inconsistently by the Applicant/Appellant and it raises another layer of uncertainty regarding the plant as a whole, which would be a heavy user of water on a 24/7 basis.
- The Parish Council supports the view that the length of time, the

uncertainty, the complexity and the inconsistency that has built up surrounding this site points to the need for a refusal of the S73 application and should the developer wish to continue, a completely fresh (and concise and accessible) planning application, to be judged against current planning policies

SILVER END PARISH COUNCIL (adjacent): Object, on the following grounds

- Increased capacity of incinerator at a reduction of recycling capacity. Should promote recycling not incineration.
- Grave concern over lack of internal detail, relies on indicative drawings and cannot be adhered to. Trying to modify parts of inquiry findings in an ad hoc fashion therefore annulling the inquiry findings.
- Serious concerns that there are no details of chimney height and details of the impact of increased emissions.
- Access roads are included on the plans that were not approved by the Inspector, particularly that by the hanger at Sheepcotes Lane.
- Undermining the Inspector's decision as this is the second minor change, both of which have had significant effect, not minor. A new application should be made and taken before the Inspector if deemed appropriate.

FEERING PARISH COUNCIL (not adjacent): No objection, would hope that the abstraction of water from the River Blackwater during high flows might be stored at the IWMF lagoons to reduce the potential for flooding downstream.

CRESSING PARISH COUNCIL (not adjacent): Object on the following grounds

- Proposals would to be detrimental to our area
- The recycling element has been reduced and there a considerable increase in the burning of waste which will produce a more toxic exhaust.
- Increased burning of waste not only produces more harmful emissions but also creates more toxic ash. The ash has to be removed by road more frequently and thus creates more risk due to the accident potential of carrying these materials on rural roads.
- Also handling and loading of toxic ash creates a greater hazard and risk of accidental spillage.
- Cressing Parish will be downwind of the toxic plumes when the wind is blowing from the South East.
- The Human Health Risk Assessment appears to be flawed.
- The dispersion model has been over simplified and appears to bear little relation to the special and complex landscape, not taking account of local height variations or the shape of the arched roof.
- Higher number of vehicles could end up carrying highly toxic waste to transport it to landfill sites.
- Concerns about the possible detrimental effect on animals, residents and farmland in not only the immediate vicinity of the plant, but also outside of the 1 kilometre envelope.
- The stack height of 35m would appear to be highly unsuitable for purpose given the comparison to similar but smaller plants. For example, a much small incinerator at Ipswich was recently required by the Environment Agency to have a stack height of 81.5m.

- The changes proposed represent a fundamental change in use of the plant rather than a variation. The original application was the subject of a public inquiry and the amendments to the planning conditions are significant enough to warrant another public inquiry. Cressing Parish Council would therefore like to request an explanation of why this particular application is being handled as a variation and would strongly request that this is reconsidered.
- Concerned about the uncertainty regarding this plant and the “indicative” drawings amplify this uncertainty. The original purpose was for a balanced plant handling relatively local waste. Clearly if the application is approved, this would no longer be the case.
- It is also understood that no real world monitoring would be required which is also a huge concern given the uncertainty surrounding this plant.
- Would like assurance that the appropriate EU laws have been considered and taken account of.
- The traffic assessment assumes free flow of traffic on A120 and ignores the fact that there will be times when the traffic is stationary and vehicle will try to find alternative routes.
- Difficulty accessing the application details over the web and understanding the context of the vast number of documents submitted.
- There is confusion as to whether there would be a discharge from the facility or whether it would be a closed loop system. It is unclear where the 500 to 1500 tonnes of water per day would be supplied from
- Some drawings remain marked as indicative; surely they should be final at this stage.

LOCAL MEMBER – BRAINTREE – Braintree Eastern: Any comments received will be reported verbally

LOCAL MEMBER – BRAINTREE - Witham Northern: The following is a summary of the matters of concern raised (a full copy of the comments can be found at Appendix D):

- The site has gone through a series of planning applications and variations over several years but to date nothing has been developed.
- Concerned that application accepted as variation, when the changes are not minor.
- The S73 application seeks, along with other things, to remove the consented drawings in condition 2 of ESS/55/14/BTE with the intention of: changing the internal layout of the plant, significantly altering the process balance, and a slightly smaller plant footprint and related changes to the surrounding walls and access road.
- The application is supported by a large number of documents, which makes it difficult to understand and has caused confusion to Parishes and residents.



- Some drawings are labelled preliminary and indicative which gives rise to uncertainty and the detail won't be known until details are submitted under condition 19 later after commencement. Further uncertainty due to changes to the water management such that the plant might not be able to operate. And reference to alternative water management system, with possibility of a discharge to the river. Also the Environment Permit outcome could significantly influence the physical detail and process functions of the plant in respect of water. Concern that development could start without all details in place. Consider the Inspector did support flexibility, but in order to "ensure that high rates of recycling and EfW can co-exist".
- The applicants refer to the facility producing "green" and renewable" power, only the biodegradable fraction of waste can be classed as a fuel source for renewable energy.
- The permitted input capacity in respect of ESS/55/14/BTE is 853,500tpa. The S73 application seeks to increase this to 863,700tpa. The permitted incinerator/CHP capacity is 360,000tpa. The S73 application seeks to increase this to 595,000tpa, an increase of 65%. Incinerator is the dominant consideration with the applicants seeking to link the Rivenhall facility with the expected SRF outputs from Basildon.
- It is an issue of commercial procurement as to where the SRF from Basildon goes in the long term and it could go to other plants.
- To keep the overall "headroom" capacity similar to the extant consent, the S73 application proposes to reduce all the recycling elements, reducing the size of the paper pulp plant by more than half, AD reduction by 65%. The MRF seen as a processing line to produce RDF for the incinerator/CHP, recycling element is reduced.
- All these matters raise questions about the changed process flows in relation to the Waste Hierarchy and the need to move waste management up the Hierarchy, not down.
- The emphasis for the proposed facility at Rivenhall is much more towards handling commercial waste, why is there less of an emphasis on recycling. Would the Inspector still conclude the facility was moving waste management up the waste hierarchy and could maximise recycling.
- The paper plant has been halved will heat be wasted?
- The application documentation is confusing in that it also refers to potential for greater abstraction and discharge. The potential change is not explained and one considered by the Inspector in 2009 and reference is also made to the pipework that would be required. Greater water use could impact upon the ecology of the river and general supply of water.
- Strong local populations of wildlife have built up in the area, which could be

impacted upon noise and light pollution. Will the mitigation be adequate, particularly has the lighting be designed to minimise light pollution and impacts upon bats that have roosts at Woodhouse Farm and protect Rivenhall Airfield as a “Dark Skies” area.

- A key planning issue is the incinerator stack height and its impact upon the listed buildings at Woodhouse Farm. However the degree of harm to the setting of the listed buildings at Woodhouse farm cannot be known until the final stack height is known. Stacks at other similar facilities have been much higher
- Whilst control of emissions to air are largely an issue for the permitting process, information is supplied within the S73 application. Concern has been raised as to likely pollutants and the methodology of modelling with respect to the surrounding terrain.
- Condition submissions there is a vast amount of documentation, but noted that some drawings still refer to detail being submitted later, how can a condition be discharged if it is not the full detail.

## 6. REPRESENTATIONS

Eighteen properties were directly notified of the application. At the time of publication comments had been received from 108 representees (including Witham Town Council) some submitting more than one response. Some representees have raised their objections with Priti Patel MP who has forwarded their comments to the WPA for consideration as part of the application. 228 residents signed a petition. The petition objected to the application on the following grounds *“We object to the suggested increased use of the proposed incinerator which brings with it additional risk of pollution to the air we breathe. We also remain concerned at the proposed of more than 400 extra lorry ‘movements’ each day given the already dangerous driving conditions on a congested A120.”*

The comments raised by representees are set out in full in Appendix E The main issues raised by the responses are summarised below:

- Do not consider that the application should be considered as a variation to the original permission due the substantial changes, in particular the significant change in the CHP capacity and need to import additional water.
- “Planning creep” is being allowed through the various different applications.
- Concern that the planning application can be determined and implemented before the Environmental Permit has been determined by the Environment Agency.
- Concern that some details are only indicative and would be agreed later.
- Application should be subject of a further public inquiry.
- The delay in implementation of the development.
- The health impacts of the emissions from the CHP facility, particularly in view of its increased capacity.

- Do not consider the A120 has capacity to deal with existing traffic without adding additional traffic.
- Congestion or accidents on A120 will cause traffic to use alternatives routes using narrow roads and passing through villages.
- Concerned access would be gained from Woodhouse Lane.
- Impact of emissions on human health, which would be increased due to increase in CHP capacity.
- Concerned that the stack is too short when compared to other sites.
- Impacts of emissions & noise on flora and fauna.
- Impacts of emissions on surrounding farmland.
- Impacts of acid rain on buildings, particularly historic buildings.
- Need for the facility for Essex's waste.
- Concerned that the incinerator will discourage recycling, in particular reduction in size of AD, MBT and paper pulp plant.
- Concerns and confusion of the proposed water management system that might include discharge to the River Blackwater.
- Facility too close to residential properties and nearby villages.
- Facility would impact upon rural setting and ecology.
- Consultation not wide spread enough, too short a period was given for consultation and the number of documents overwhelming and difficult to access via the web.
- Stack will be visually intrusive.

## 7. APPRAISAL

The key matters and issues for consideration are:

- A. Nature/type of application
- B. Principle and Need for the IWMF and Acceptability of the Proposed Changes
- C. Height of the stack, Emissions & Health impacts
- D. Traffic & Highways
- E. Public Rights Of Way
- F. Water Environment
- G. Landscape and visual Impact
- H. Ecology
- I. Historic Environment & Archaeology
- J. Residential Impact – noise dust & odour
- K. Cumulative Impact
- L. Legal Agreement
- M. Commencement of Development

### A NATURE/TYPE OF APPLICATION

The application has been submitted as a variation to the existing planning permission ESS/55/14/BTE. Considerable objection has been raised, including by Braintree District Council, residents and one of the Local Members that the application has been accepted as a variation to the existing planning permission, rather than a full planning application.

During pre-application discussions the WPA took legal advice as to whether the application could be accepted as a variation application as allowed for under section 73 of the Town & Country Planning Act 1990. While the size of the various elements of the waste management processes are proposed to be changed, (the most significant being the increase in the size of the CHP element of the application from 360,000tpa to 595,000tpa), the revised proposal is still within the original description of development. The planning conditions as imposed by the SoS in 2010 do not specify the size or give a maximum size for each of the waste management processes, only a maximum total waste annual tonnage to be imported, and the application does not seek to change this maximum limit. Drawings permitted under condition 2 included a flow chart which did state the likely throughputs and capacities of the various elements, however other conditions of the permission, namely condition 19 of the permission, also anticipated that the details of the plant would need to be agreed at a later date, when the exact plant and capacities were known.

The Inspector at the Public Inquiry in 2009 specifically looked at whether the facility had flexibility to respond to changing waste markets and new technologies. He stated:

*Whilst each waste management process within the eRCF would benefit from its integration with others, there is sufficient capacity in each of the key processes to allow for variation thereby providing flexibility of use. Document GF/38 describes the flexibility of capacity which is inherent in each of the processes. The design of the MRF allows for upgrades in the eRCF's process which would meet potential changes in the type and composition of waste imported to the site.*

And

*A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the project.*

And

*It seems to me that if a proposal is to be sustainable and economically viable in the long term, one of its attributes must be a degree of flexibility to accommodate future changes in waste arisings and in waste management techniques and practices.*

The SoS in his decision letter stated:

*As for the flexibility of the proposal, the Secretary of State agrees that its design and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated*

The development would be contained largely within the same envelope that was

previously permitted. The main two-arched building would be slightly smaller, however the CHP plant would be higher and bulkier to the rear of the building but would not be above the height of the building permitted as part of the original application. In addition the permitted larger AD plant required large tanks to be located to the rear of the building, the majority of these are proposed to be smaller and located within the main building reducing the bulk of structures to the south west to the rear of the building. The proposals would still involve pre-sorting (to remove recyclables) and pre-treatment of waste prior to its utilisation in the Combined Heat and Power Plant. The proposal would still use heat, steam and energy from the CHP to power the IWMF and in particular the steam to reprocess waste paper. However paper pulp waste was to be used as a fuel originally and is now proposed to be exported. It is still considered overall that there is integration between the different processes permitted by the SoS's decision.

It was therefore concluded that the application could be submitted as a variation application, as the SoS decision had permitted flexibility in the size of the various waste management processes and the proposed amended dimensions of the buildings and plant are not substantially different to those permitted i.e. the proposals are contained within the previously permitted envelope.

Objections have also been raised that the WPA has allowed "planning creep" through the various applications from that in 2006 with the eRCF through to the current application. The WPA has to determine the applications that have been submitted and must consider each application on its individual merits taking into account national and local policy and ensuring development does not give to adverse impact on the environment. The application for the IWMF was granted by the SoS and the SoS positively choose not to limit the capacities of the various elements of the IWMF to allow flexibility hence it is considered possible for the applicant to apply to vary the extant planning permission.

With respect to the determination of the application, the consideration of issues would be no different whether the application was a variation or a new application. Even if the application had been a new application, the existence of the planning permission for the IWMF would have been a material consideration in the determination process.

Concern has been raised as to the number of documents that the application, the ES and the ES update are made up of. In particular, that the amount of information and number of documents is over-whelming and that there have been difficulties viewing these over the web and understanding the context of each document. The application and supporting documents amount to several volumes. It is not possible for each volume to be uploaded to the web as a single document; it has to be broken down into smaller parts to enable the documents to be uploaded and to ensure the documents can be opened by the user. This does mean there are a lot of individual documents to review and it is appreciated that there is a lot of information to understand. While in this case there is considerable information for the public to view, it is still considered that the information being available on the web provides a greater opportunity for all to see.

Concern has been raised that some documents state "preliminary" or "indicative"

on them, the detail of plant is required to be submitted under condition 19 of the permission prior to installation. This allowed flexibility, as potentially plant type and location might have to change in response to changes in technology between determination of the original application and development of the IWMF and/or in response to requirements of the Environmental Permit. However, this has not prevented the WPA dealing with the discharge of details in relation to various other matters.

## B PRINCIPLE AND NEED FOR THE IWMF AND ACCEPTABILITY OF THE PROPOSED CHANGES

### Principle of the Integrated Waste Management Facility in this location

The principle of a waste management facility in this location was first established through the Waste Local Plan 2001 when a 6 ha site known as WM1 was allocated, which included the then existing airfield hangar. WM1 was allocated as a suitable site for a major waste management facility and through other policies of the WLP was considered suitable for AD (WLP policy W7C), MRF (WLP policy W7E) and incineration (W7G). The principle of a larger site (25.3ha), with a waste facility partly sunken below ground levels was first accepted when planning permission was granted for a Recycling and Composting Facility (ESS/38/06/BTE - this permission has subsequently expired). The application for the evolution Recycling and Composting Facility (eRCF), now referred to as the IWMF, was on the same footprint of ESS/38/06/BTE but changed the mix/size of the waste management processes on the site and extended these to include the CHP facility and the MDIP plant. The IWMF (ESS/37/08/BTE) planning permission issued by the SoS maintained the same size building as the first permission, but amended the nature and size of plant to the rear/south of the main building, which included the CHP plant. The current application is on the same footprint as the original permission and largely contained within the same envelope of space as that already granted. However, the CHP plant is physically bigger to the rear of the building, but remains no higher than the building. The facility continues to include a chimney at 85m AOD, although its position has changed marginally by about 17m. The visual and landscape impacts of the proposed physical changes will be considered later in the report.

The application for the IWMF was considered against the WLP 2001, the Regional Spatial Strategy (RSS) and Planning Policy Statement 10 (PPS10). The RSS has subsequently been abolished, the NPPF published and PPS10 now replaced with NPPW. In terms of locational criteria for waste management facilities, these have brought no significant changes. Of perhaps note is that the NPPF now does not require protection of the countryside for its own sake, only where there are particular designations. The NPPW objectives are the same as PPS10 including net self-sufficiency and the proximity principle seeking to locate waste facilities such that communities and businesses take more responsibility for their own waste, thereby reducing waste miles. The NPPW recognises "*that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant*".

The NPPW locational criteria include consideration of the following factors,

protection of the water environment, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, air emissions, including dust, odours and vermin and birds, noise, light and vibration, litter and potential land use conflict. All of these factors were considered by the WPA when making its resolution on the original IWMF application and were considered by the Inspector as part of the Public Inquiry and will be considered as part of this consideration of this application with respect to the changes that arise from the amendments proposed.

As part of the emerging Replacement Waste Local Plan the application site (25.3ha) has been assessed alongside many other sites as to its acceptability for waste management development. Within the Pre-Submission draft RWLP the site is identified as both a Strategic Site Allocation for both “Biological Waste Management” and “Other Waste Management”.

It is therefore considered that the principle of a waste management facility on the application site, including the physical scale of buildings, plant and stack is established due to the previous planning history, subject to the proposed amendments delivering a sustainable waste management facility and not giving rise to adverse environmental impacts.

#### Need and justification for proposed amended capacities

The applicant has justified the proposed changes to the capacity of the various elements of the IWMF on the basis that the available waste is now different to that available at the time of the determination of the application.

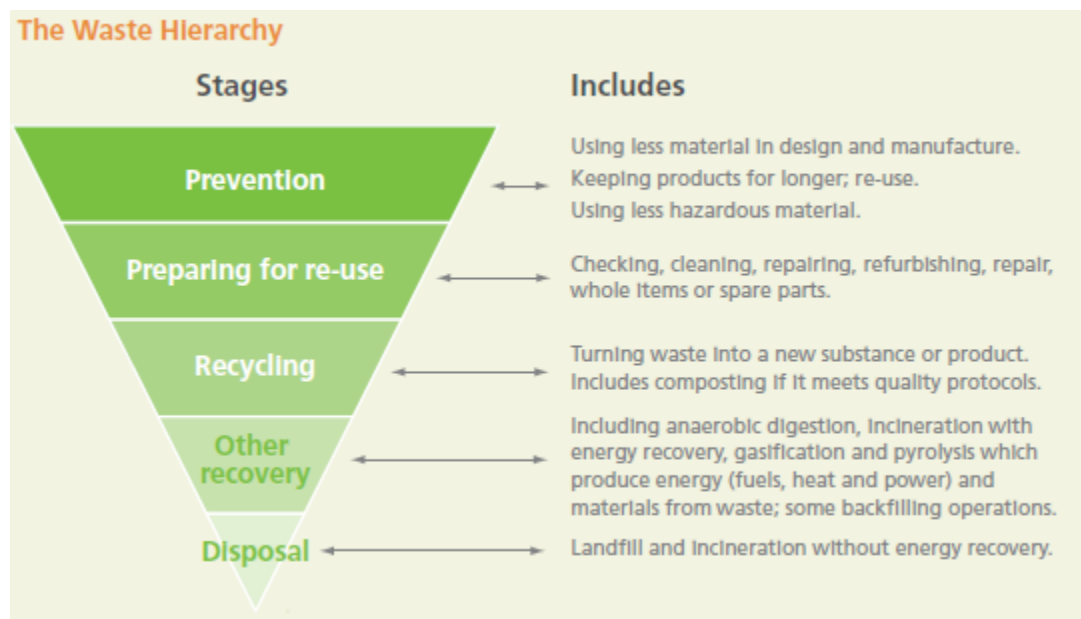
The existing planning permission was granted on the basis that the IWMF would deal with Local Authority Collected Waste (LACW) and/or Commercial and Industrial Waste (C & I).

#### Change in circumstances with respect to LACW since 2009

With respect to the availability of LACW, at the time of the Public Inquiry the Waste Disposal Authority were basing their Outline Business Case for a solution for the disposal of Essex’s LACW on the Rivenhall site. However, ultimately the WDA went for a single site solution, on a site over which the WDA had control at Courtauld Road, Basildon (now named Tovi Eco Park). A MBT facility is now operational, although still in its commissioning phase, and is operated under contract from the WDA by Urbaser Balfour Beatty. A series of waste transfer stations (some of which include MRFs) have been established across the County where waste is part sorted and then bulked up and transported to the MBT at Tovi Eco Park. The WDA contract with Urbaser Balfour Beatty is in place until 2040 (with an option to extend by 5 years). In addition to this contract, the WDA has contracts in place in the short-term to provide facilities for LACW biowaste (food and green waste) which do not involve the facilities permitted at the Rivenhall IWMF. The WDA is still considering longer-term solutions for LACW biowaste. Adequate facilities exist to recover LACW recyclates either through door step recycling collections or MRFs located with the waste transfer stations or at Tovi Eco Park.

The emerging (unpublished) evidence base for the Waste Local Plan

acknowledges that in terms of facilities for LACW there is adequate capacity currently to manage all LACW. However, the treatment of residual waste through the MBT at Tovi Eco Park produces approximately 200,000tpa Refuse Derived Fuel (RDF)/Solid Recovered Fuel (SRF). There is currently no operational facility within Essex or Southend that could utilise this material for the production of power, although there is capacity for the material to be landfilled. However, landfill is at the bottom of the Waste Hierarchy, while energy recovery through power generation is preferred to landfill.



*Source: DEFRA Review of Waste Policy in England and Wales, 2011*

As the WDA has contracted capacity to deal with all LACW for Essex & Southend, except for RDF and biowaste in the long-term, it is unlikely the Rivenhall IWMF would receive LACW unless there was a change in circumstances with respect to the existing contracts which the WDA have in place.

Hence it is anticipated the Rivenhall IWMF would mainly receive C & I waste and operate as a merchant waste facility. While not receiving LACW it must be remembered that LACW makes up only around 15% of all waste generated in Essex and Southend and while the WDA only needs to provide disposal facilities for LACW the WPA must make provision for treatment and disposal of all wastes within Essex & Southend as well as making some provision for London's waste.

#### Change in nature of C & I Waste since 2009

The applicant has therefore justified the change in capacities of the various waste processes on the likely availability of the C& I waste, since this is the waste the facility would cater for. The applicant has stated that there have been comparable changes with respect to C & I waste arisings as there have been with respect to the make-up of LACW. The impact of Landfill tax on C & I waste has been significant and positive. Landfill tax has risen from £8/tonne in 2007 to £82.50/tonne in 2015, which has resulted in all sizes of business, where practical, to minimise their waste generation and looking to recycle where possible. Waste operators dealing with C & I waste have also amended their practices rather than being transfer businesses taking waste to landfill; waste operators seek to sort and



recover recyclables and rather than disposing of residue to landfill, generating a RDF.

ECC as WPA has dealt with applications that support the applicant's statements, for example applications have been granted for waste recycling/transfer business such as, Colchester Skip Hire and Heard Environmental at Basildon. The WPA is also aware that many skip hire operators now as part of their businesses seek where possible to recover recyclables reducing the volume required for landfill. Thus the WPA has evidence to support the applicant's view that the treatment of C & I waste has changed. In addition the reduction in waste to landfill has also been evidenced through the slow down in completion of existing landfill, immediately partly to do with the recession, but also in part due to alternatives being found whether this be through, reduction, re-use, recycling or used as RDF. The reduction in inputs rates was part of the justification put forward by an operator recently with respect to the extension of time for Pitsea Landfill. The applicant states there are several waste transfer/recycling operators now produce an RDF which is being exported from Essex rather than the residue being landfilled.

In considering the changes in the capacities of the various elements of the IWMF, it must be remembered, that while the application was submitted on the basis of certain capacities for each facility, the SoS state did not impose conditions specifically stating what the capacities of each element of the IWMF was, ensuring there was flexibility for the facility to adapt to changes in technology and waste arisings. In addition it must be remembered the NPPW only requires the developer *"to demonstrate the quantitative or market need for new or enhanced waste management where the proposals are not consistent with an up to date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need."* The WLP was adopted in 2001 and while it is acknowledged to be in need of updating and the new RWLP is in preparation, the principles of the waste hierarchy and the proximity principle remain at the heart of the WLP. It is therefore considered that there is not a strong case for the applicant to be required to fully justify the need for the change in capacities. However, the report will consider these issues as considerable objection has been raised as to the reduction in what are seen as the "recycling" elements of the IWMF and the increase in the incineration element i.e. the CHP.

The report considers the need for the proposed changed capacities for each element of the IWMF, taking account of existing operational capacities within Essex and Southend.

#### Anaerobic digestion

The original scheme was based on a capacity of 85,000 tonnes per year for the AD facility and this was and remains the need arising for LACW. However, this need has been met by the WDA via contracts which do not envisage the Rivenhall facility being utilised. Hence the AD capacity would be primarily for the treatment of C & I biowaste. The evidence base for the RWLP has estimated the tonnage of C & I biowaste on the basis of 13%<sup>1</sup> of all C & I waste being biowaste. This

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<sup>1</sup> Source National Waste Management Plan for England 2013

percentage is based on a national figure so there is potential for local variation, but it is the best available and on which the RWLP has considered likely arisings within the emerging evidence base for RWLP (currently unpublished). Taking account of existing operational biowaste treatment facilities including windrow composting, AD and In-Vessel Composting (IVC), it is estimated up to as much as 339,000tpa by 2031/2 of C & I biowaste treatment capacity will be needed. Although emerging evidence would indicate that this may be an over estimate.

The IWMF has proposed a change in the size of the AD facility from 85,000tpa to 30,000tpa. The estimated arising figures would indicate that there is potential for a greater demand for biowaste treatment than would be met by the reduced AD facility at the IWMF. But nonetheless the capacity proposed by the IWMF would meet part of the estimated shortfall of capacity in C & I biowaste treatment. It is not necessary that this waste development meets all of the shortfall, but there is evidence that there is a need for the proposed AD facility. Central Government's recent change in financial support for AD facilities has also significantly changed the viability of AD facilities.

Biogas from the AD plant would be used to generate electricity on site, providing a renewable source of energy. The export of electricity from the site is discussed in more detail later.

#### Materials Recycling Facility & Mechanical Biological Treatment.

The capacity of the MRF is similar to the original proposals (287,500tpa now 270,000tpa), except it would be used to recover recyclables from C & I waste. The indicative layout includes two lines for the MRF. One would treat waste that has had little pre-sorting by the waste collector prior to its receipt at the IWMF. The other MRF line would deal with C & I with a higher proportion of putrescible waste which would pass through MBT. The output from the MBT would then pass through the MRF to give the last opportunity to recover recyclates before utilisation of the residue in the CHP. The MBT has been sized by the applicant on the basis of the likely tonnage of C & I waste needing MBT, the MBT element of the IWMF has been reduced from 250,000tpa to 170,000tpa. The make-up of C & I waste is different to LACW. The evidence base for the RWLP states the proportion of putrescible waste within Essex LACW is 21.6%, while the proportion of C & I is estimated nationally to be 13% of total waste. While it is likely that the level of pre-separation is different for LACW and C & I waste, based on these proportions it is likely that C & I waste received at the facility would have a smaller proportion of putrescible waste and this therefore supports the reduction in the size of the volume of waste needing treatment (bio-stabilisation and drying) through the MBT.

Objections and concerns have been raised by BDC, local Parish Councils, the Local Member (Witham Northern) and many residents that the change in size of the different elements of the IWMF would discourage recycling. It should be noted that the MRF capacity has not been significantly reduced, such that the same capacity is proposed to recover recyclates as was the case under the original mix.

Within the evidence base for the WLP the arisings for C & I waste are estimated at approximately 1.3 to 1.5million tpa to be managed each year until 2032. The majority of London's waste dealt with in Essex currently goes to landfill, namely

Pitsea, but this does not preclude provision being made to manage this waste in a manner further up the waste hierarchy. Based on existing permitted and operational capacity (including landfill) there is no shortfall in disposal capacity. However, as mentioned, some of this capacity is landfill capacity. While there are no explicit recycling or recovery targets for C & I waste the need to encourage waste to move from landfill (at the bottom of the waste hierarchy) remains a National objective as set out in the Waste Management Plan for England as well as the NPPW, seeking “*to work towards a more sustainable and efficient approach to resource use and management. Positive planning plays a pivotal role in delivering this country’s waste ambitions...*”

Increasing re-use, recycling and recovery is an objective of the emerging RWLP. The provision of the MRF and MBT at the IWMF would potentially ensure diversion from landfill as well as increased recovery of recyclate from C & I waste. It is acknowledged that as there is existing capacity, albeit within landfills, it could potentially encourage C & I waste to be imported from outside Essex & Southend. However, it should be noted that through a condition of the existing permission, (not proposed to be changed by the current application) the source of LACW and/or C & I waste is limited to be sourced Essex & Southend area only. The condition was imposed to ensure the capacity of the AD, MRF, and MBT at the IWMF contributes to Essex & Southend’s self-sufficiency. It should be noted that the condition only relates to C & I and LACW going to the AD, MRF and MBT, SRF/RDF and waste paper can be imported to the site with no constraint as to its geographical source.

The current landfill rate for C & I waste is 50% across the UK as set out in the DEFRA document “Energy from Waste– A guide to the debate 2014”. However, the expectation is that recycling rates will increase for C & I waste and that at some point in the future recycling rates similar to LACW should be achieved, with the percentage going to landfill reduced to similar levels, that is, 20% of residual C & I waste rather than the current 50%.

Applying the landfill percentage rate of 50% to the C & I waste arisings estimated in the RWLP would derive a figure of 650,000 to 750,000tpa of C & I waste that currently goes to landfill. Applying the landfill percentage rate of 20% to the C & I waste figure for future years, would derive a figure of 260,000 to 300,000tpa going to landfill.

The amended IWMF is intended to receive 300,000tpa of residual C & I waste, consequently, in the future, if C & I waste landfill reduced to 20%, there would still be a need for the facility to divert waste from landfill providing a facility with the last opportunity to recover recyclables and the residue being utilised in the CHP recovering the energy.

Therefore the concern raised by objectors that the amendments to the IWMF would inhibit recycling and consume materials which could otherwise be managed higher up in the waste hierarchy is not borne out by the figures above. This is only really justifiable when opportunities are not taken to separate and remove recyclable materials from waste.

The proposal intends to receive RDF, which has been pre-treated or would be pre-treated on site and this would minimise the material that is capable of being recycled being used as RDF. It should also be remembered it is not solely the responsibility of the operator of the IWMF to provide treatment facilities at higher levels. Compliance with the waste hierarchy is incumbent upon both the producers of the waste as well as the waste industry and not singularly within individual management facilities.

Higher rates of recycling can and do co-exist with higher levels of recovery as in the case within Europe. The DEFRA documents “Energy from Waste – A guide to the debate” acknowledges this fact, identifying that in 2010 Austria achieved 70% recycling (including composting) alongside 30% waste which was incinerated; Germany achieved 62% recycling alongside 38% incineration. This compares to the UK with 39% recycling and 12% incineration. As indicated, this guide states that *‘at present 50% of commercial and industrial waste goes to landfill presenting a significant opportunity for those authorities and plants to exploit it’*. This document also states that *“The Government considers there is potential room for growth in both recycling and energy recovery – at the expense of landfill.”*

It is therefore considered that the IWMF would provide facilities that would contribute to pushing waste management of C & I within Essex & Southend up the waste hierarchy.

#### Market De-Ink Paper-pulp Plant (MDIP)

The capacity of the MDIP has reduced from 360,000tpa to 170,000tpa. The applicant has justified this reduction on the basis that the market has changed since 2009, due to both the recession and the move to use less white paper. However, if constructed it would be the only facility focusing on printing and writing papers in the UK with the potential to encourage recycling of high-grade paper. Currently such paper is exported overseas for reprocessing. The applicant states there is a demand for “white” recycled paper pulp, replacing virgin pulp inputs to produce products that can be badged “recycled”. The applicant has commented that there is flexibility within the layout of the IWMF to add a second line of production. This would however, need to be subject of a further planning application, to amend the internal layout. Also, if such a proposal resulted in waste inputs above 853,000tpa or resulted in HGV movements in excess of the permitted limits, further planning approval would be required.

The application acknowledges that the tonnage of waste sludges from the MDIP which were proposed to be utilised in the CHP have reduced. The applicant has explained that with improved technologies some of this sludge material can be recovered and utilised in agriculture rather than needing disposal. , This would be in accordance with Waste Hierarchy, the waste being recovered rather than disposed of. It was recognised by the Inspector that there might be future developments with respect to the paper sludge. He stated:

*“... it would be possible to introduce secondary treatment of the sludge from the MDIP to recover an aggregate.”*

However, it would require the export of the sludge increasing the vehicle

movements associated with exporting this material from the facility. However, it should be emphasised the applicant considers these movements could still be accommodated within the existing permitted vehicle movement limits by utilising vehicles bringing materials to the site not leaving empty, known as back hauling.

While the capacity of the paper pulp plant has been reduced, the facility would still utilise the heat and steam generated on site, making the most efficient use of this energy resource.

#### CHP & Energy Generation

The capacity of the CHP is proposed to increase from 360,000tpa to 595,000tpa. The applicant in explaining this change in increase has argued that the increase is only one of 489,000tpa to 595,000tpa, on the basis that the calorific value of the waste has changed. The applicant explains the original CHP capacity was on the basis of waste having Net Calorific Value (NCV) of 16 mega joules/kg for an assumed 8000hrs per year operation of the furnaces. The current proposal would utilise waste at a NCV of 12mj/kg over 8250hrs per year. Consequently the original furnaces would have required  $(360,000 \times 16 / 12 \times 8150 / 8000)$  489,000tpa of waste to generate the same amount of energy.

The change in the NCV figure used is justified by the applicant as a result of the standardisation by the EU of NCV specification of RDF /SRF from 12-20 MJ/kg to 9-12MJ/kg. Also it would enable the IWMF operator to bid for contracts to manage SRF/RDF generated within the UK. The applicant states that at present 3 million tonnes of SRF/RDF is exported from the UK each year.

Rivenhall is identified within the emerging Pre-Submission draft RWLP (unpublished) as a site that would be suitable for "Other Waste Management" which could include CHP/Energy from Waste. It should also be noted that one of the key underlying principles in the NPPW is for communities and businesses to engage with and take more responsibility for the waste they generate, not to send it elsewhere.

At present, the Essex Waste Disposal Authority (WDA) is exploring long term options surrounding the final destination for the stabilised residual household waste output of the Tovi Eco Park Facility. This programme of work will be developed after the facility has achieved full service commencement. Currently the output of the facility, around 200,000tpa of SRF, is exported under a short term contract with Suez Environmental up to 2018. It is sent from Thurrock via Tilbury Docks and utilised in energy plants in the Netherlands.

It is anticipated that the Waste Disposal Authority will secure the long term solution for the management of the SRF/RDF through a competitive tender process. The developers of the IWMF could bid for this contract, but the decision as to whether the Rivenhall IWMF might be awarded that contract would be made independently by the WDA. The decision as to whether Rivenhall might be awarded that contract is not one over which the WPA has any involvement.

Regardless of the outcome of the competitive process, the emerging RWLP acknowledges that there is need to provide capacity to manage this waste within

Essex and Southend-on-Sea. The Plan is based on the principle of net self-sufficiency, where practicable. This means having sufficient waste transfer, recycling, recovery, and disposal capacity within the Plan area to manage the amount of waste generated, limiting the reliance on facilities outside of the Plan area whilst recognising that waste will travel across administrative borders. It is therefore recognised that the WPA should make provision for the management of waste arising in the County including SRF/RDF. This means that even if the SRF from Tovi Eco Park were not managed at Rivenhall, the WPA will provide for facilities that result in net self-sufficiency. Thus if the SRF from Tovi Eco Park continued to be exported from the County in the long term, there would be facilities within Essex & Southend receiving similar quantities of waste from elsewhere. As there is no explicit target for management of SRF/RDF, the locations where SRF/RDF is potentially being landfilled or exported within the Plan area is not something that is explicitly monitored.

It is recognised that the input capacity of the proposed CHP is considerably in excess of the 200,000tpa of SRF/RDF to be generated by Tovi Eco Park. The remaining 395,000tpa of capacity could either utilise SRF/RDF to be made on site from C & I waste residue having passed through the MRF/MBT process and waste arising from the MDIP that cannot be recycled, or other imported SRF/RDF. This SRF/RDF could be sourced from within Essex & Southend or from elsewhere. The evidence base for the RWLP, apart from the SRF/RDF to be generated at Tovi Eco Park, has not quantified what other SRF/RDF is being produced in the county, so the data is not available as to how much recycling (as opposed to transfer) capacity exists or whether potentially SRF/RDF is being landfilled or exported from Essex.

It is recognised that the spare capacity could result in RDF being imported to the county. However, the NPPW requires WPAs to identify sites "...for new or enhanced waste management facilities in appropriate locations" and this includes "...*plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant*". While this refers to LACW the principle is as relevant to C & I waste which makes up a greater proportion of all waste arisings. Facilities are required to achieve the ambition of the NPPW "...*to work towards a more sustainable and efficient approach to resource use and management*". RDF imported to Essex might divert RDF going overseas, helping the UK achieve net self-sufficiency for its own waste.

The total amount of electricity to be generated from both the AD facility and CHP would be approximately 49MW. Approximately half of the energy to be generated by the facility would be utilised on site in the operation of the AD, MBT, MRF, MDIP and the CHP. The proportion of the electricity to be exported from the IWMF has increased from 21MW to 28 MW as part of the amendments.

The promotion of waste as a valuable resource in the production of energy has been actively encouraged by the Government for a number of years and more recently is referred to in the Government Review on Waste National Policy Statement for Energy (2011) EN-1 and National Policy Statement (NPS) for

Renewable Energy Infrastructure (2011) EN-3. In particular it should be noted that the use of residual waste as a source of energy offsets fossil fuels and reduces greenhouse gases from alternative forms of waste management, in particular landfill where considerable negative greenhouse gas impacts are present.

Additionally, there is a pressing need for energy security. The UK faces a growing dependency on imported fossil fuels. By 2020, the UK could be importing nearly 50% of its oil and 55% or more of its gas, with household electricity prices increasing mostly due to global fossil fuel prices. Generating energy from waste rather than from these fossil fuels provides a domestically derived energy source and gives the UK greater fuel security, greater energy independence and protection from fossil fuel price fluctuations. The gap between electricity supply (capacity) and demand is growing ever smaller, with many fossil fuel powered plants reaching the end of their useful life.

Renewable sources such as wind and solar are not discounted, but the intermittent nature of such technologies to generate electricity is an identified issue. Additionally, the recent announcement by the Government to withdraw subsidies for onshore wind turbines and introduce quite onerous planning legislation, means there is likely to be a significant reduction in such renewable technologies coming forward.

One of the government's overarching aims is to provide energy security. The increased generating capacity of the IWMF would contribute towards energy security, through residual waste treatment, lessening the dependency on imported fossil fuels for energy generation, providing the diversification the Government seeks on energy generation, moving away from the reliance on just the traditional fuels of coal, gas and nuclear.

The NPPF actively encourages *any* energy development, stating under Paragraph 98 *"that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable."*

The National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3) 2011 states that the *"recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK's energy needs. Where the waste burned is deemed renewable, this can also contribute to meeting the UK's renewable energy targets. Further, the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales."*

The increased element of exported electricity is considered in accordance with the Government objectives for the provision of energy from waste.

Concern has been raised as to whether the IWMF, particularly the CHP, is pushing waste up the waste hierarchy. The classification of a recovery operation or a

disposal operation becomes uncertain when considering waste incineration. An Incinerator could be classified as either a recovery operation (Use principally as a fuel or other means to generate energy) or a disposal operation (Incineration on land).

In 2003, the European Court of Justice made two judgements that established principles to differentiate between Recovery operations and Disposal operations. To be classed as a Recovery operation the process must meet the following criteria:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;  
The IWMF would generate enough power to run the IWMF itself with all its various waste processes, MRF, MBT, AD and CHP as well as power the MDIP and allow export of 28MW of power
- The greater part of the waste must be consumed during the operation;  
The CHP would utilise 595,000tpa and generate approximately 160,000tpa of ashes and residues, therefore demonstrating consuming the greater part.
- The greater amount of the energy generated must be recovered and used (either as heat or electricity);  
The CHP would not only generate the heat and steam to be used by the MDIP directly, but would power the facility and generate 28MW of power (including the AD facility)
- The waste must replace the use of a source of primary energy.  
The waste would replace a primary source of energy such as gas or coal.

Against these criteria it can be seen that the CHP as part of the IWMF would provide a facility pushing waste up the waste hierarchy.

Therefore while it recognised that the size of the CHP has increased significantly, the facility provides an opportunity for net self-sufficiency for utilisation of SRF/RDF and contribute to reducing the landfill of C & I waste and increasing the production of “green” energy. The proposals are therefore considered to be in accordance with the NPPF, NPPW and national energy policy.

## C HEIGHT OF THE STACK, EMISSIONS & HEALTH IMPACTS

The height of the stack for dispersal of the emissions from the CHP and the potential impacts on health have been two of the major objections raised within letters of representation both from individuals, Parish Councils and one of the Local Members. This was the case with the original application and has raised even more concern due to the increase in the capacity of the CHP element of the IWMF.

Frequently the issue of emissions/air quality and impacts on human health are of a great concern to communities that live within the vicinity of a proposed CHP/Energy from waste facility the NPPW acknowledges that incinerator applications are likely to be controversial. In particular concern has been raised as to the acceptability of the height of the stack and its ability to safely disperse emissions. The height of the stack is limited by an existing planning condition at



85m AOD or approximately 35m above natural ground levels. The applicant at the time of Public Inquiry demonstrated that a stack of this height could be acceptable and no objection was raised at that time by the Environment Agency. However, it was acknowledged by the EA at that time that only upon considering an Environmental Permit for the facility could any conclusion be reached as to the acceptability of the height of the stack.

Representations have made reference to other energy from waste facilities/incinerators where the stack heights have been much higher and hence concern that the stack height would seem to be unlikely to be acceptable. One factor on this site to be borne in mind is that some of the stack and treatment plant for emissions are below natural ground levels due to the facility being partly sunken into the ground. The stack heights which have been referred to in representations are for facilities located at ground level.

The applicant submitted information on air quality as part of the original application that has been updated as part of the current application. The conclusions of the applicant's air quality studies are that the amended development is forecast to have no significant effects on air quality and no significant cumulative effects are forecast to occur.

A Human Health risk assessment was part of the original application and was updated as part of the current application. The conclusions of the study are that the emissions to air from the proposal would not pose unacceptable health risks to residential or farming locations in the vicinity of the proposed facility.

It should be noted that the responsibilities regarding emissions/air quality and impact on human health fall into various remits, primarily through the Environment Agency permitting regime and in part through the planning and Environmental Health. In simple terms the Environment Agency are responsible for setting and enforcing emission limits from the operations of the IWMF including emissions from the stack. The WPA, in conjunction with the BDC Environmental Health Officers are responsible for emissions from other activities (e.g. construction phase and traffic).

The role of the WPA and the Environment Agency is set out in paragraph 122 of the NPPF :

*'... local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively...'*

Additionally, the National Planning Policy on Waste 2014 states under para 7 “*Waste Planning authorities should - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced*”

And

*“...consider the likely Impact on the local environment and on amenity ...Waste Planning Authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies.”*

The National Planning Guidance further reiterates this by stating that

*“The focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body.”*

Consequently, it is not for the Waste Planning Authority to consider in detail the impacts of the stack emissions when considering the merits of the planning application. The control of the emissions from the stack is fully within the remit of the Environment Agency through its permitting process. However, it is not for the planning authority to dismiss this issue. If the Environment Agency or any other relevant health authorities/agencies in their consultation responses consider that the air quality emissions would exceed permissible levels and have an adverse impact on air, it can be considered that the site is not suitable for the intended use being considered by the planning authority.

The Government’s position is clear, planning authorities should call on the advice of the relevant bodies and work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is also clear that refusing permission or requiring specific mitigation, when the matter is within the remit of another relevant body, is not appropriate. This approach would be consistent with the position set out in the National Policy Statement for Energy EN-1 that states that generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation, so that it is unlikely that health concerns will either constitute a reason to refuse permission or require specific mitigation.

The Environment Agency, Environmental Health and Public Health have all been consulted and none have raised any objections in principle, with the Environment Agency noting that it is their responsibility through the permitting process to manage emissions from the process (i.e. stack emissions).

It is noted that research carried by the Health Protection Agency in 2009<sup>2</sup> concluded the following:

*“The Health Protection Agency has reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health. While it is not possible to rule out adverse health effects from modern,*

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<sup>2</sup> The Impact on Health of Emissions to Air From Municipal Waste Incinerators. Advice from the Health Protection Agency. February 2010

*well regulated municipal waste incinerators with complete certainty, any potential damage to the health of those living close-by is likely to be very small, if detectable. This view is based on detailed assessments of the effects of air pollutants on health and on the fact that modern and well managed municipal waste incinerators make only a very small contribution to local concentrations of air pollutants. The Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment has reviewed recent data and has concluded that there is no need to change its previous advice, namely that any potential risk of cancer due to residency near to municipal waste incinerators is exceedingly low and probably not measurable by the most modern techniques. Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended.”*

*The Agency's role is to provide expert advice on public health matters to Government, stakeholders and the public. The regulation of municipal waste incinerators is the responsibility of the Environment Agency.”*

It is acknowledged that this statement is in relation to Municipal Solid Waste (MSW) now called LACW, but the overall nature of C & I waste is not significantly different. The consideration required by the WPA is whether or not the proposal would give rise to *unacceptable* air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality. In considering this it must take the advice of the relevant technical authorities, i.e. the Environment Agency, Public Health and Environmental Health. None of the relevant technical authorities have stated that the proposal would give rise to unacceptable air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality.

The outcome of the relevant technical experts is clear, it is considered that there would not be any unacceptable air quality emissions that would exceed permissible levels and have an adverse impact on human health and air quality.

The public's concerns or perceptions in relation to health and air quality are considerable for this application and are a material consideration.

Public concern can sometimes be associated with the previous generation of incinerators; however the implementation of new EC Directives resulted in the closure of many old incinerators across Europe, including the UK, which could not comply with new standards. The UK Health Protection Agency's (pre-cursor to Public Health England) Position Paper on Municipal Waste Incineration (2010) mentioned above found that in most cases an incinerator contributes only a small proportion to the local level of pollutants and concluded that the effects on health from emissions to air from incineration are likely to be small in relation to other known risks to health. This is in respect of modern incinerators as opposed to the previous generation of incinerators. The Health Protection Agency concluded that there is little evidence that emissions from incinerators make respiratory problems worse; similarly, there is no consistent evidence of a link between exposure to emissions from incinerators and an increased rate of cancer. This is the opinion of the relevant body and one which the planning authority should rely upon and, as stated in para 7 of the National Planning Policy for Waste 2014, planning

authorities “...should avoid carrying out their own detailed assessment of epidemiological and other health studies”.

It is not simply that the public concerns on this matter should be dismissed, but for them to carry significant weight within the planning application there would need to be reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the IWMF plant actually would pose an actual risk. The Environment Agency has not objected and the report referred to above evidences that, subject to an Environmental Permit, the IWMF would not pose a risk and the planning authority should rely on the experts in this matter.

The Environmental Permit currently being considered by the Environment Agency is the arena in which the emissions from the process/stack will be subject to detailed scrutiny and where the expertise lies.

In conclusion the relevant technical bodies, Public Health and the Environment Agency have raised no concerns. As a reminder of the roles, case law, *Cornwall Waste Forum v SoS for Communities and Others 2012*, the judge stated that “*It is not the job of the planning system to duplicate controls which are the statutory responsibility of other bodies...Nor should planning authorities substitute their own judgement on pollution control issues for that of the bodies with the relevant expertise and responsibility for statutory control over those matters.*”

In accordance with the National Planning Policy on Waste 2014 the planning authority has sought appropriate technical advice to satisfy itself that the operation would not result in any significant air quality, pollution or health impacts and there is no reliable evidence to suggest that perceptions of risk are objectively justified, i.e. that the operation of the IWMF actually would pose an actual health risk; none of the consultees conclude that this would be the case. The concerns raised by residents regarding risk to human health are noted, but it is not considered that as part of the planning process (in accordance with previous case law and guidance) that substantial weight can be attached to these concerns in the determination of this planning application.

#### D TRAFFIC AND HIGHWAYS

Concern has been raised by representees as to the impact of traffic on the A120, in view of the existing heavy traffic that uses the road and the likely congestion the IWMF traffic would cause. Concern has also been raised with respect to the potential for traffic to use alternative routes if the A120 is congested.

Similar concerns were raised with respect to the original application and the Inspector commented:

*“It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF would avoid peak hours where practicable.”*

And

*“Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routeing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.”*

It has been demonstrated by the applicant that the proposed amendment to the various capacities and operation of the site could be achieved within the existing HGV movements. See appendix C. The number of HGV movements is not proposed to be changed and are limited by condition to 404 movements (202 in 202 out) Monday to Friday and 202 movements (101 in 101out on Saturdays). The existing planning permission is subject to an obligation such that the operator is required to ensure HGV vehicles only use main roads to access the facility. All vehicles associated with the site are required to use the access onto the A120; no vehicular access is permitted from Woodhouse Lane. Funds have also been secured through the S106 agreement to enable the Highway Authority to put in place appropriate directional signage to the facility. In addition there is an obligation to review the need for two way crossings at Ash Lane & Church Road should queuing of vehicles occur to the detriment of the public highway. In addition funds are secured for highway works should the A120 ever be de-trunked.

No objection was raised by the Highway Agency to the original application or by Highways England with respect to the current application. In addition the Highways Authority has raised no objection to the use of the crossings with Ash Lane and Church Road subject of the imposition of similar conditions and obligations with respect to traffic movements and highway works as existing.

The Highways Authority have raised no objection to the discharge of condition of condition 6 (access and cross-over points), but have suggested that while not public highway the surfacing should be hot rolled asphalt rather than asphalt concrete and this could be added as an informative. In addition no objection has been raised with respect to details submitted under condition 20 (construction compounds and parking). It is therefore considered these conditions (6 & 20) can be discharged.

Plans submitted with the application make reference to routes giving access to Hangar No. 1, located adjacent to Shepcotes Lane. While use of the proposed access road is acceptable for agricultural traffic which previously used the old airfield tracks, no permission has been sought as part of this application or the original application for use of the IWMMF access road as means of access to Hangar No.1. This is a matter for Braintree District Council and would need to have a separate planning permission which would need to consider the highway impacts of any additional usage of the access onto the A120. Therefore an additional condition could be imposed to address this matter by limiting use of the access road to the IWMMF, the adjacent agricultural land and the existing use of Bradwell Quarry.

In conclusion, subject to the re-imposition of existing conditions and an additional condition limiting access as suggested above it is considered the amendments to condition 2 would not give rise to adverse impact on highway safety or capacity and are therefore in accordance with the WLP policies W8A and W10E.

## E PUBLIC RIGHTS OF WAY

Concerns were raised by the Ramblers Association as to the lack of detail with respect to the routes of PRow on the drawings submitted under the changes to condition 2 and also the detail with respect to the various crossing points for public rights of way under condition 63.

Revised drawings have been submitted including the routes of PRow and additional more specific information has been provided for each crossing with a PRow. It should be noted that there are no new crossing points, crossings already exist due to the quarry access road and haul road. No adverse comments were received with respect to the proposed signage at crossing points submitted under condition 37.

In light of the above matters being addressed and receiving no adverse comments from the County's PRow team, it is considered that conditions 63 (crossing points) and 37 (PRow signage) in respect to PRow are in accordance with WLP policies W10E and W10G and can be fully discharged.

## F WATER ENVIRONMENT

Concern has been raised by local residents and the Local Member (Witham Northern) as to the change in the arrangements for water supply to the facility. The currently permitted scheme envisaged the water needed for the facility to be provided from a combination of surface water collected both on the site and surrounding agricultural land and a limited amount from either an abstraction licence from the River Blackwater or from mains water. The water was to be stored in the Upper Lagoon and New Field Lagoon. Water arising from the waste processes was to be treated in a Waste Water Treatment Plant (WWTP) such that the water could be recirculated. The water supply as now proposed relies more heavily on water from the River Blackwater utilising an existing abstraction licence, but still also utilises surface water collected on site and draining from surrounding agricultural land. The water would continue to be stored within Upper Lagoon and New Field Lagoons and treated in on site WWTP and recirculated through the lagoons for reuse on site, a "closed loop system". It is acknowledged that the existing abstraction licence from Blackwater has limitations as the total volume of water that may be extracted, times of years and requires minimum flows in the River Blackwater. The applicant has demonstrated that even when there are periods of draught the capacity within the lagoons would ensure an adequate supply of water to the IWMPF.

The existing abstraction licence is not in use at present and no infrastructure exists. The licence is due to expire but the EA has indicated there is no reason why the licence would not to be renewed. The route of the pipework required to connect the site to the abstraction point has not been finalised and does not form

part of this planning application. A further approval would be required.

Confusion has arisen, as to the proposed water system, as the applicant also referred in the planning application documentation to a potential further alternative arrangement for water management whereby more water would be abstracted from the River Blackwater and then, following treatment to a standard equivalent to that when it was abstracted, be discharged into the River Blackwater. Such proposals would require new abstraction licence and a discharge licence from the EA and these would only be granted if the EA considered these would not result in unacceptable impacts on the environment. It is understood pre-application discussions have been held with the EA for such an arrangement but no licence applications have been made. The current application remains on the basis of utilising surface water collected on site and from the surrounding agricultural land and utilising the existing abstraction licence from the River Blackwater, the “closed loop system”.

The EA has not raised objection to the proposed arrangement of utilising the existing abstraction from the Blackwater River, with storage of water in Upper Lagoon and New Field Lagoon.

Details have been submitted with respect to foul water management (Condition 22), surface and groundwater management (condition 23) and groundwater monitoring (condition 24) and the EA have no objection to discharge of these conditions.

## G LANDSCAPE & VISUAL IMPACT

In 2009, in considering the landscape and visual impact of the proposals, the Inspector took into account a number of factors including the existing landscape character and the proximity of existing properties and PRoW. It was noted that there are only a few residential properties located in close proximity to the site. The Inspector considered the impact of the various elements of the proposal including the buildings and plant themselves, the chimney stack, the access road and the proposed lighting. The Inspector took account of the proposed mitigation, including the part sunken nature of the buildings and plant, the location of the extended access road within a cutting, the proposed green roof, proposed landscape planting, the reflective finish of the chimney and the measures proposed to minimise light pollution and said:

*“In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use.”*

The amendments to the proposals do not significantly change any of these elements. The buildings are slightly smaller, the arrangement of plant to the rear of the buildings has changed and the location of chimney moved by 17 m. However, the changes do not result in a significant change to the landscape and

visual impacts. The number of tanks associated with the AD facility to the rear of the building has been reduced from four to one, reducing the bulk of these structures to the rear of the building; alternative plant relating to air cooling equipment has replaced that of the AD tanks, but remains below the height of the main building. The CHP plant is now higher and bulkier than before but remains below the height of the main building and views of the plant through the retained tree would be against the backdrop of the main building.

The different mitigations previously proposed would not be changed as a result of the amendments. In fact the reduction in the size of the main building has enabled an additional 5m of the woodland to the south of the buildings and plant to be retained, increasing the thickness of this screening belt. The creation of excavated slopes and soil nail walls as opposed to use of remaining walls means that additional areas are available on the slopes for planting and habitat creation.

Details of the landscape details required by conditions 57 and 59 have been submitted including species, sizes, spacing and protection measures and no objections have been raised to the planting details. In addition details have been submitted under condition 18 for the green roof, under condition 60 details for management of existing trees and under condition 61 landscaping details for the parking area adjacent to Woodhouse Farm. No adverse comments have been received. Details have been submitted required by condition 15 with respect to the building materials for the main two-arched roof building and no adverse comments have been received. It is therefore considered these conditions can be discharged in full.

Details have also been submitted with respect to the phasing of the haul road, the retaining walls and mineral extraction as required by condition 45. The working of the majority of the mineral previously means that little is left to be worked, in addition the construction of the retaining walls is less complicated as the reduced building size has enabled there to be slopes and soil nail walls rather than the need to construct vertical retaining walls. No adverse comments have been received and it is considered the condition could be discharged.

In order to minimise the impact of the stack/chimney the details of the finish for the stack were required to be submitted (Condition 14) along with details as to how the plume from the stack would be managed to avoid a visual plume (condition 17).

It should be emphasised the reason the details were required by these conditions relates to the physical external appearance of the stack and plume and the resulting visual impact. The conditions were not imposed to control emissions from the stack that are a matter for the Environment Agency. It is not necessary for the EA to have reached its conclusions with respect to the height of the stack for the details of its external appearance to be approved. A new planning application would be required if the stack height was found to be unacceptable by the EA and would have to be considered on its individual merits.

The details of the stack finish as submitted would provide the mirror like finish envisaged at the application stage and include the method of placement, cleaning and maintenance and thus it is considered the condition could be discharged.



The County's air quality consultant has reviewed the measures to prevent a visual plume from the stack, namely the removal of water vapour from the emissions and has concluded that the proposed measures would ensure under the majority of circumstances with no visual plume. The air quality consultant requested a management plan which would allow review the management techniques should there be any occurrences of a visual plume and a suitable management plan has been submitted by the applicant. It is therefore considered condition 17 (plume management) can be discharged.

With respect to landscape and visual impact it is considered that there are no changes that would materially alter the original conclusions of the Inspector and therefore the proposals are in accordance with WLP policies W10E & W10G and BDLPR policies RLP 80, 81, 86, 87 and 90.

## H ECOLOGY

The proposed changes to the development do not involve any additional land.

The Inspector in considering the original application noted that there were species of nature conservation value (Great Crested Newts (GCN & bats) and habitats of interest on the site semi-improved natural grassland, semi-natural broadleaved woodland, the River Blackwater and ponds). It was also recognised by the Inspector that the applicant had committed to a range of ecological enhancements that went beyond compensation, including additional woodland, hedgerows and areas of open habitat and ponds management for GCN and proposed bat roosts within the refurbished buildings. It was acknowledged that some of these would take time to mature. He concluded that the ecological impact overall would be a residual positive benefit.

The ES has been updated with respect to ecology and no new issues have arisen that weren't previously identified as part of the original consideration and the proposed mitigation remains the same. The green roof proposals have been amended slightly in that areas of substrate (crushed concrete and sand and gravel) were to be left exposed on the roof, but now the building's roof is to be entirely growing green roof matting. Areas of exposed substrate are now proposed on the soil nail walls instead, to create the same type of habitats as were to be provided on the roof.

Conditions 53 (ecology survey) and condition 54 (Ecological Management Plan) have been previously submitted and in part discharged, but survey updates have been provided due to the passing of time.

Natural England has raised no objection to the amendments to the proposals or the discharge of the conditions. The County's ecologist is satisfied with submitted details with respect to the condition 53 (ecological survey update) and condition 54 (Habitat Management Plan) and these conditions can be discharged. No adverse comments have been received with respect to the traffic calming measures for the haul road required under condition 62 to protect otters and voles.

It is known that there are bat roosts within the Woodhouse Farm buildings and to ensure there is no doubt as to the need for a licence from Natural England prior to any works to these buildings, which might impact upon the bats, the ecologist has requested an additional condition to this effect, which could be imposed if planning permission were granted.

Lighting details have been submitted for construction lighting (condition 43) and condition 13 (Woodhouse Farm lighting). The County's lighting consultant has raised no objection to the lighting scheme and notes the scheme has been designed with a good understanding exterior lighting design and good lighting practices, achieving adequate lighting without light pollution. The consultant did raise some concerns with respect to the potential impact of lighting upon bats recorded in the site, particularly as roosts have been identified in Woodhouse Farm area. Representees have also raised concerns with respect to lighting both with respect to light pollution and impact upon wildlife. Additional information was submitted by the applicant's ecological consultant, who concluded the light levels would not have an adverse impact on the bats and there were unlit routes which would allow them to move about unhindered and the County's lighting consultants is satisfied with this additional information. It is therefore considered the details submitted with respect to lighting (conditions 43 and 13) can be discharged.

The additional ES information submitted with the application has included consideration of the cumulative ecological impacts of the pipework that would be needed to connect the IWMF to the abstraction point on the River Blackwater and the cable route for the electricity cable that would be need to link the IWMF to the National Grid to enable the export of electricity. The majority of the route for the water pipe would follow the IWMF access road. As such the ecological impact would be minimal and no specific issues have been raised with respect to species or habitats. In any event a separate approval would be required for the pipework when the ecological impacts would be considered in more detail.

The additional ES has noted that the presence of GCN have been recorded near the electricity substation at Galleys Corner which is the likely connection point to the National Grid. It is likely the electricity cable would be put in place by the electricity statutory undertaker and thus could be carried out under permitted development rights. Nonetheless the statutory undertaker would still need to ensure there was no harm to this protected species and it is considered appropriate to impose an informative to this effect should permission be granted. It is considered that the additional ecological impacts arising from the electricity cable and pipework are not such that the proposals with these additional works would give rise significant adverse impacts upon ecology.

Subject to the additional condition with respect to the need for a bat licence the amended development details do not give rise to any additional adverse impacts not addressed through the original mitigation and the proposals are considered to be in accordance with WLP policy W10E and do not conflict with BDLPR policies, 80, 81 & 84.

## I HISTORIC ENVIRONMENT & ARCHAEOLOGY

The nearest Listed Building to the IWMMF is Woodhouse Farm and buildings which are proposed to be refurbished as part of the development and utilised as an education/visitor centre. The impact of the IWMMF, namely the parking for the facility to be located to the northwest of Woodhouse Farm and the CHP stack were considered by the Inspector. He concluded “...*the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.*” The location of the CHP stack has been slightly amended by the revised layout for the facility such that the stack is 17m to the south east. It is not considered that the difference in location would be discernible from Woodhouse Farm and therefore would not change the overall conclusion that any impact upon the setting of the Listed Building was outweighed by the benefits of their restoration. A Listed Building consent application has been made to BDC for the refurbishment works and is currently under consideration. It is therefore considered the application is in accordance with WLP policy W10E, BDLPR policy RLP 101 and the NPPF in that any impacts on the setting of Listed Building are far outweighed by the benefits of restoration.

Details under condition 13 have been submitted with respect to signage, lighting, telecommunications and no objection has been raised by the County's Historic buildings advisor.

With respect to the refurbishment of Woodhouse Farm and buildings as a visitor education centre it is understood that a Listed Building consent application has been made to Braintree District Council, but cannot be determined until additional information has been submitted. In order to ensure that there is timely restoration of the buildings, which are in very poor state of repair, it is considered appropriate to impose an additional condition setting a long stop date as to when the refurbishment of these buildings should be completed. It has to be acknowledged that obtaining the Listed Building consent and the necessary licence from Natural England due to bats that reside within the buildings are not quick processes, and therefore any long-stop date needs to be reasonable. It is therefore considered that a period of 6 years for the completion of the refurbishment works would not be unreasonable starting from commencement of development of the IWMMF. Should planning permission be granted such a condition could be imposed.

The majority of the application site has already been the subject of archaeological investigation as part of previous mineral workings, only a small area of the site remains to be investigated, but a scheme of investigation is in place for this area. It is therefore considered the amendments to the IWMMF are in accordance with WLP policy W10E and BDLPR policies RLP105 and RLP 106.

## J RESIDENTIAL IMPACT

Concerns with respect to air quality caused by emissions from the stack have been considered in Section C earlier. Concern has also been raised with respect to deterioration of air quality due to the HGV movements. No additional HGV movements are proposed as part of the amendments and therefore there would no

additional air quality impacts than those previously considered by the Inspector and considered to be acceptable.

Details have been submitted with respect to the control of dust (condition 51a) and odour (condition 52a) separately to the current application and approved.

The revised layout and changes to the location of plant have been reassessed in terms of the likely noise impacts and it has been demonstrated that the revised facility could be operated within the maximum noise limits set out within the existing conditions. The Inspector in determining the 2008 application considered the proposed maximum limits would ensure there would be no adverse impact on residential amenity. The County's noise consultant considers that it has been demonstrated that revised proposals could be operated within the existing permitted noise limits, but has requested that upon finalisation of the plant details (under condition 19) that the noise assessment be required to be updated to verify that the maximum noise limits would not be exceeded. Such a requirement could be secured by condition if planning permission were granted.

It is considered subject to the previous conditions controlling, hours of operation, noise, dust and light and the additional noise condition, there are no adverse impacts arising from the proposed amendments that would warrant refusal of the permission and the proposals are in accordance with WLP policy W10E and W10F and BDLPR policies RLP 36, 62 and 63.

## K CUMULATIVE IMPACT

The Environmental Statement has considered the cumulative impact of the development both in terms of other developments in the area, including non-mineral development, although it should be remembered that the assessment can only take account of development that is reasonably likely to come forward i.e. has planning permission or is identified in a Development Document. This included the cumulative impact of the adjacent mineral workings both permitted and within the Minerals Local Plan has been assessed. Also the impacts of ancillary development that would be required to facilitate the development of the IWMF, namely the necessary water pipework and electricity cables.

No significant adverse environmental impacts were identified.

The environmental impact of both just abstraction and abstraction with discharge has both been considered as part of the ES. An assessment of the impact of the likely routes of the pipework has been considered. No significant issues have been identified, but the routes would need to be subject of appropriate archaeological and ecological assessment, which could form part of any further approval.

The water pipework and electric cable would result in short sections of hedgerow loss amounting to 50m in total but replacement hedging could be provided. The connection point for the electricity substation is in an area where GCN have been recorded in the past, but the statutory undertaker would have a duty under The Wildlife & Countryside Act to address this issue before carrying out any such

works.

## L LEGAL AGREEMENT

There is an existing legal agreement associated with the 2009 SoS decision. The obligations within this agreement remain associated with subsequent superseding variation permissions (ESS/41/14/BTE & ESS/55/14/BTE) by way of deeds of variation.

The heads of terms from the 2008 Committee report for the original application ESS/37/08/BTE are set out in Appendix F for reference. In summary the obligations related to highway works, funding for signage to direct HGV traffic to the site, highway works in the event the A120 was de-trunked, refurbishment of the Wood House Farm complex for a visitor/education centre including provision of Heritage Room and education areas, requirement for a liaison group, groundwater monitoring outside the site, historical record surveys, planting details outside the site and requirement for an ecological management plan.

If the current application were granted there would also be a need for a further deed of variation to ensure the obligations remain associated with the any new planning permission.

The WPA has proposed a minor change to the obligations within the original legal agreement, requiring the minutes of the liaison group to be provided within 3 weeks of the meeting rather than just prior to the next meeting. In addition, as mentioned previously, the applicant has proposed to provide a member of staff who would have the role of an education/waste minimisation officer. To secure this offer an additional obligation would be required. Both these amendments are set out within the Recommendation.

In addition to the above changes the applicant has applied for two minor changes in response to changes in circumstances since the original agreement. The first relates to the necessity to complete the highway works prior to implementation. The applicant has requested certain activities may be excluded from the definition of implementation with respect to the legal agreement namely tree and scrub clearance and archaeological work. Both these activities would generate limited additional traffic movements. The highway works are relatively minor relating to lining and signing at the crossings with Church Road and Ash Lane. Normally highway works are required to be completed before development commences in order to ensure that there is no impact on the safety and capacity of the highway network and is often the construction of the access itself. In this case the access to the public highway is already established and the Highway Authority has no objection to the impact on Church Road and Ash Lane of traffic generated from tree and scrub felling and archaeology prior to the completion of the Highway Works. It is therefore considered that the propose change would not give rise to any adverse highway impacts.

In addition the applicant has also requested the trigger for the requirement to deposit monies in relation to the de-trunking of the A120 be amended from prior to the application for the Works Licence necessary for the Highways Works to prior to

beneficial use of the IWFM. The timescale chosen at the time of the signing in 2009 reflected the circumstances at that time when it was anticipated the Highways Agency would be agreeing an alignment for a new A120 between Braintree and Marks Tey and a timetable for commencement established. This did not come to fruition and at the current time there is no agreed scheme for an enhanced and/or replacement A120 or any anticipated timescale for such a scheme. The Highways Authority has no objection to this suggested change in view of the change in circumstances. It is therefore considered reasonable that the payment of monies for any highway works that might be necessary upon de-trunking of the A120 is postponed until the IWFM is in beneficial use. This would still ensure the monies were available in a reasonable time since the IWFM permission has to be implemented by 2 March 2016 (or 2 March 2017 if the current appeal is upheld) and construction is expected to take 1-2 years. Thus the contribution money would therefore be available within 2 to 3 years, it is unlikely that a new scheme for the A120 would be agreed and implemented before this time.

## M COMMENCEMENT OF DEVELOPMENT

The current planning permission and, if planning permission is granted, the new planning permission, would have a commencement date of 2 March 2016. If resolved to be granted the applicant has sought to ensure that a decision notice could be issued promptly and has been seeking to obtain a highway Works Licence to enable the necessary highway works to be undertaken. It is considered the applicant has submitted all necessary information to discharge pre-commencement conditions and obligations and intends to implement the planning permission prior to the 2 March 2016. Should permission be granted it should be noted that it is not necessary for the Environment Permit to be determined for the developer to lawfully commence the development. However, clearly the developer would be taking a commercial risk should an Environmental Permit ultimately not be issued and the facility be unable to operate. It is considered appropriate that in case this situation should arise, a condition should be added to the permission which requires a plan of action for an alternative use for the IWFM site or rehabilitation scheme for the site if the IWFM is not brought into use within 5 years of commencement. The period suggested has been calculated on the basis that the Environmental Permit application process could take as long as a year to conclude and construction of the IWFM is likely to take between 1 and 2 years. Therefore to allow a degree of flexibility it is considered that a 5 year period would not be unreasonable and ensure the application site does not remain uncertain for an unreasonable period.

## 8. CONCLUSION

The key overarching purpose of planning is to deliver sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development; referred to as the 'golden thread' running through decision taking. The National Planning Policy for Waste, the BCS, the WLP and the emerging RWLP also refer to sustainability objectives.

At paragraph 6 of the Framework it is stated that "*the purpose of the planning*

*system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.” In an economic role planning should “be contributing to building a strong, responsive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.” In a social role planning should be “supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating high quality built environment, with accessible local services that reflect the community’s needs and support is health, social and cultural well-being.” In an environmental role planning should be “contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.”*

While the amendments would result in a change in capacities of the IWMF it is still considered that the facility would provide an integrated approach to waste management. The MBT & MRF would ensure recyclables are recovered prior to use of the residue as a fuel source for the CHP, in accordance with the principle of pushing waste up the waste hierarchy. The on-site de-ink paper pulp plant would make direct efficient use of the heat and steam from the CHP and produce recycled paper pulp in the UK reducing the need for imported supplies. The remaining capacity of the CHP, in combination with biogas from the AD facility, would generate “green” electricity, contributing to sustainable development, reducing carbon emissions from non-fossil fuel electricity generation and contributing to reducing the impacts of climate change.

The IWMF would provide waste management capacity for C & I waste within Essex & Southend further up the waste hierarchy and thereby reducing C & I waste going to landfill. The IWMF would create capacity to utilise SRF/RDF generated in the county. Even if the IWMF was not awarded the contract for the management of SRF/RDF generated at Tovi Eco Park by the WDA the IWMF capacity to deal with SRF/RDF would ensure that Essex & Southend had capacity to deal with SRF/RDF helping to achieve net self-sufficiency for the County’s waste management needs. The spare capacity in the CHP would encourage waste currently landfilled to be used as a resource from which energy could be recovered again helping to move waste management up the waste hierarchy.

No objection has been received from the Environment Agency with respect to the potential emissions from the CHP plant and Government guidance is clear that unless statutory bodies raise concerns with respect to emissions it is not the planning authorities’ role to refuse the application on pollution or health grounds. These will be addressed through the Environmental Permit and the planning authority should assume these control mechanisms would work effectively.

The concern that the application should have been a new full application was considered by the WPA and it was concluded that the way the conditions were imposed in the 2010 planning permission reflected the Inspector’s intention to allow flexibility in the implementation of the consent and that the application could be considered by way of a variation to the original consent.

The application was supported by an Environmental Statement. No significant adverse effects have been identified arising from the proposed changes which were not already addressed by mitigation or secured by condition. As a result of the amendments, there would be no additional impacts with respect to traffic, landscape, visual impact, impacts on the Historic environment, archaeology, ecology or impacts of residential amenity, which are not already mitigated by the proposals and/or controlled by existing or proposed conditions or obligations of the legal agreement. While the facility would utilise more water from an existing permitted abstraction licence, there is storage capacity within the site to utilise this abstraction and ensure adequate water supply even in dry periods, without adverse impact. Therefore the proposals are in accordance with WLP policies W8A, W4A, W4B, W4C, W10E and BDLPR policies RLP 36, 54, 62, 63, 64, 65, 71, 72, 80, 81, 84, 86, 87, 90, 100, 105 and 106.

The Inspector in considering the original application stated

*The eRCF is consistent with the key planning objectives set out in PPS10 [now superseded and embodied within the NPPW]. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.*

It is not considered that the proposed changes would undermine these original conclusions. The proposal is sustainable development, in that it meets the needs of Essex & Southend; contributes to the sustainable management of waste; provides recycling capacity for C & I waste; provides reprocessing capacity for recovered paper efficiently using on site heat and power; provides a source of energy offsetting fossil fuels and reducing greenhouse gases from alternative forms of energy, better waste management, in particular by providing capacity to divert C & I waste from landfill; and is in accordance with the principles of the waste hierarchy set out in the National Planning Policy for Waste.

The development is therefore considered to represent sustainable development for the purposes of the NPPF and is considered to comply with the relevant policies of the development plan taken as a whole.

## 9. RECOMMENDED

That planning permission be **granted**, subject to the following:

- 1) A deed of variation to be completed within 3 months prior to issuing of the planning permission to address the following:
  - to ensure the new planning permission remains subject of the



obligations of the original s106 associated with Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE), ESS/41/14/BTE and ESS/55/14/BTE.

- to amend the obligation with respect to liaison group requiring minutes to be produced shortly following the meeting
- to make provision for an education and waste minimisation officer at the IWMF
- To amend the requirement for the contribution towards highways works associated with the de-trunking of the A120 such that it shall be required prior to beneficial use of the IWMF

2) Condition 2 be updated to refer to the submitted amended plans

3) The details submitted to discharge conditions 6, 13, 14, 15, 17, 18, 20, 22, 23, 24, 37, 43, 45, 50, 53, 54, 57, 59, 60, 61, 62 and 63 be approved and the details included in the planning permission,

4) Additional conditions to address the following

65. There shall be no use of the access road to the IWMF except by traffic associated with the IWMF, Bradwell Quarry or to access adjacent agricultural land for agricultural purposes.

66. That should the IWMF not be brought into use within 5 years of commencement the operator will submit a plan of action for an alternative use or scheme of rehabilitation.

67. Obtain a bat licence from Natural England prior to commencement of works affecting Woodhouse Farm & Buildings.

68. Woodhouse Farm and buildings to be refurbished to a visitor/education centre within 6 years of commencement of the IWMF development

69. Upon finalisation of the details of plant as required by condition 19 an updated noise assessment shall be submitted.

5) Any other conditions where details have been previously been discharged the approved details are to be incorporated into the planning permission.

6) All other conditions of the planning permission ESS/55/14/BTE to be re-imposed.

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## **BACKGROUND PAPERS**

Planning Application & Environmental Statement ESS/34/15/BTE  
Consultation replies  
Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as**

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**amended)**

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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## **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**

The Minerals and Waste Planning Authority has engaged with the applicant prior to submission of the application, advising on the validation requirements and likely issues.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

### **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Witham North

BRAINTREE – Braintree Eastern

## Appendix A

### IWMF Planning permission ESS/55/14/BTE

#### Planning conditions and reasons

- 1 The development hereby permitted shall be begun before the 2 March 2016. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

- 2 The development hereby permitted shall only be carried out in accordance with planning application ECC ref ESS/37/08/BTE (PINS Ref. APP/Z1585/V/09/2104804) dated 26 August 2008 (as amended) and drawing numbers:

<b>Drawing number</b>	<b>Drawing title</b>
1-1	Land Ownership & Proposed Site Plan
1-2	Proposed Planning Application Area
1-4	Access Road Details
1-5A	Typical Arrangement and Architectural Features of the eRCF
1-8	Schematic Arrangement of Woodhouse Farm
1-9	eRCF Simplified Process Flow
1-10	eRCF Integrated Process Flow
3-3	Site Plan Layout
3-8C	eRCF General Arrangement
3-12C	eRCF Detailed Cross-Sections
3-14A	eRCF Upper Lagoon & Wetland Shelf
3-16	Services Plan
3-19B	eRCF General Arrangement
8-6	Landscape Mitigation Measures
IT569/SK/06	Proposed Improvements to Site Access Road Junction with Church Road
IT569/SK/07	Proposed Improvements to Site Access Road Junction with Ash Lane
19-2B	Tree Survey
19-3B	The Constraints and Protection Plan
19-5	eRCF Base Plan Woodhouse Farm

As amended by Non-Material Amendment application reference ESS/37/08/BTE/NMA2 dated 4 September 2012, accompanied by letter from Berwin Leighton Paisner dated 29 August 2012 and email dated 18 September 2012 as approved by the Waste Planning Authority on 25 October 2012.

As amended by planning application reference ESS/44/14/BTE dated 5 August 2014, accompanied by letter from Holmes & Hills dated 5 August 2014, report entitled "Business development since obtaining planning permission" dated August 2014, report "Changes in the Case for Need since September 2009" dated August 2014 and letters from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014 and granted by the Waste Planning Authority on 4 December 2014.

As amended by planning application reference ESS/55/14/BTE dated 12 December 2014, accompanied by letter from Holmes & Hills LLP dated 12 December 2014, SLR report "Justification for Removal of Fuel Sourcing Conditions" Rev 4" dated December 2014 and letter from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014.

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority and 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 drawings, details (except as varied by other conditions), to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, WLP policies W3A, W4A, W4B, W4C, W7A, W7C, W7G, W8A, W10B, W10E, W10F and W10G, BCS policies CS5, CS7, CS8 and CS9 and BDLP policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106.*

- 3 The total number of Heavy Goods Vehicle (HGV<sup>1</sup>) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IWMF<sup>2</sup>) hereby permitted shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Friday);  
202 movements 101 in and 101 out per day (Saturdays);

and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.

<sup>1</sup> An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more

<sup>2</sup>IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLP policies RLP 36 and RLP 90.*

- 4 The total number of HGV vehicle movements associated with the construction of the IWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Sunday).

No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLP policies RLP 36 and RLP 90.*

- 5 A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLP policies RLP 36, RLP62 and RLP 90.*

- 6 No development shall commence until full details of the extended access road and the layout of the cross-over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross-over points shall be

implemented in accordance with the approved details.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49 and RLP 90.*

- 7 No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

*Reason: In the interests of highway and pedestrian safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36 RLP 49 and RLP 90.*

- 8 No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49 and RLP 90.*

- 9 No vehicles shall park on the haul road between the A120 and Ash Lane.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49 and RLP 90.*

- 10 No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and BDLP policies RLP105 and RLP 106.*

- 11 No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.

*Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and in accordance with the NPPF.*

- 12 No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to protect the setting of the Woodhouse Farm Listed Buildings and in accordance with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS5, CS8 and CS9 and BDLP policies RLP 80, RLP 84 and RLP 100.*

- 13 No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan

1 (which can be found in the S106 agreement) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.

*Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies, W8A W10B and W10E, BCS policy CS9 and BDLP policies RLP 36, RLP 65, RLP 90 and RLP 100.*

- 14 No development shall commence until details of the design of the stack serving the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:
- (a) elevations, sections and plan views to appropriate scales and construction details;
  - (b) samples of the finish of the stack to provide a mirrored reflective surface; and
  - (c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality of the surface of these materials.
- The stack shall be constructed and maintained in accordance with the details approved.

*Reason: In the interest of visual amenity and to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5, BDLP policies RLP 36, RLP 65 and RLP 90.*

- 15 No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.

*Reason: For the avoidance of doubt, in the interests of visual and landscape amenity and to comply with WLP policies W8A, W10B, W10E and BCS policy CS5 and BDLP policy RLP 90.*

- 16 Not used

- 17 No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.

*Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5 and BDLP policies RLP 36, RLP 65 and RLP 90.*

- 18 No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.

*Reason: In the interests of visual and landscape amenity and enhancement of ecological biodiversity and to comply with WLP policies W8A, W10B and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 84 and RLP 90.*

- 19 No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: To ensure the layout and configuration of the process equipment and plant would not give rise to impacts not assessed as part of the application and Environmental Statement and to protect local amenity and to comply with WLP policies W8A, W10B and*

*W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 20 No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.

*Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A, W10B, W10E and BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 65, RLP 80 and RLP 90.*

- 21 No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.

*Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with WLP policies W8A, W10B, W10E, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 65, RLP 80, RLP 84 and RLP 90.*

- 22 No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.

*Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 71 and RLP 72.*

- 23 No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

*Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 71, RLP 72 and RLP90.*

- 24 No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.

*Reason: To minimise the risk of pollution to ground and surface water and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 71 and RLP 72.*

- 25 No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any

remediation and mitigation identified.

*Reason: To minimise the risk of pollution to ground and surface water, to minimise the risk of flooding and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BLP policies RLP 36, RLP 62, RLP 64, RLP 71 and RLP 72.*

- 26 The market de-inked paper pulp plant shall only source its heat steam and energy from the IWMF with the exception of periods of start-up and maintenance and repair of the IWMF.

*Reason: To ensure the market de-inked paper pulp plant only remains at the site as a direct consequence of its co-location with the IWMF and to protect the countryside from inappropriate development and to comply with WLP policies W8A and W7G and BCS policy CS5.*

- 27 No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.

*Reason: In the interests of the environment by assisting the Essex and Southend-on-Sea waste planning authorities to become self-sufficient for managing the equivalent of the waste arising in their administrative areas, ensuring that the waste is transported in accordance with the proximity principle, minimising pollution and minimising the impact upon the local environment and amenity and to comply with WLP policies W3A, W3C and W10E.*

- 28 Deleted

- 29 No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.

*Reason: To ensure the scale of the facility would not give rise to impacts not assessed as part of the planning application and Environmental Statement and to protect local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 30 Deleted

- 31 No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 32 All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

*Reason: To ensure minimum nuisance from operations on local amenity, particularly litter and odour and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 33 No vehicle shall leave the IWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies W3A, W4C, W8A and W10E and BDLP policies RLP 36 and RLP 90.*



- 34 No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:  
 07:00-18:30 hours Monday to Friday; and,  
 07:00 -13:00 hours Saturdays;  
 and shall not take place on Sundays, Bank and Public Holidays except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 35 The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLP policies RLP 36 RLP 62 and RLP 90.*

- 36 No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours:  
 07:00 and 18:30 hours Monday to Friday; and,  
 07:00 and 13:00 hours on Saturdays,  
 and not on Sundays, Public or Bank Holidays except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policies W10E and W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 37 No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.

*Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S1, DM1, WLP policies W3A, W4C, W8A, W10E and W10G and BDLP policies RLP 36, RLP 49, RLP 62 and RLP 90*

- 38 Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour ) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties Location	Criterion dB LAeq 1 hour
Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49

Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47
Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

*Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 39 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

*Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 40 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.

*Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 41 Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWFM, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

*Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 42 For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.

*Reason: In the interests of amenity and to comply with MLP policies S1, S10, DM1, WLP*

*policies W3A, W8A, W10E, W10F and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 43 No lighting for use during excavation of materials or construction of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

*Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity and in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, RLP 65 and RLP 90.*

- 44 No lighting for use during operation of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

*Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, RLP 65 and RLP 90.*

- 45 No development shall commence until a detailed phasing scheme for the construction of the access road for the creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

*Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, RLP 65 and RLP 90.*

- 46 No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.

*Reason: To minimise structural damage and compaction of the soil and ensure sustainable use of surplus soils and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.*

- 47 Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable

condition<sup>3</sup> and no movement of soils shall take place:  
During the months November to March (inclusive);

- (a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (b) When there are pools of water on the soil surface.

<sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

*Reason: To minimise structural damage and compaction of the soil and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.*

- 48 No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

*Reason: To ensure that there are no adverse impacts on local amenity from the development not previously assessed in the planning application and Environmental Statement and to comply with MLP policies S1, S10, DM1 and DM3, WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 49 Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with MLP policies S1, S10 and DM1, WLP policies W3A, W4A, W4B, W8A, and W10E and BDLP policies RLP 36 and RLP 62.*

- 50 Prior to the commencement of development, details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.

*Reason: In the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policy W10E and BCS policies CS5 and BDLP policies RLP 36, RLP 65 and RLP 90.*

- 51 (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the site during excavation of materials and construction of the IWMF

(b) No beneficial occupation of the IWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- (i) The suppression of dust caused by handling, storage and processing of waste; and
- (ii) Dust suppression on haul roads, including speed limits.

In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A and W10E and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 52 (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.
- (b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.

*Reason: In the interests of local amenity and to comply with WLP policies W3A, W8A and W10E and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 53 An ecological survey shall be undertaken such that it is no more than 2 years old by the date of commencement of development, this survey shall update the information contained within the Environmental Statement and submitted and approved on 27 July 2011 in accordance with condition 53 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE). The information approved was letter dated 19 May 2011 from Golder Associates with accompanying form Ecology report dated October 2010. The updated ecology report shall be used to assess the impact of the development and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development, the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.

*Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 81 and RLP 84.*

- 54 No development shall commence until an habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) and the Habitat Management Plan dated May 2011 [as amended by emails from Golder Associates dated 13 July 2011 (18:22) and attachment and 18 July 2011 (15:30) and attachment] submitted in May 2011 in accordance with condition 54 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) and approved on 27 July 2011 has been submitted to and approved in writing by the Waste Planning Authority. The amended plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Ecological trends and constraints on site that may influence management;
- (iii) Aims and objectives of management;
- (iv) Appropriate management options for achieving aims and objectives;
- (v) Prescriptions for management actions;
- (vi) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually)
- (vii) Personnel responsible for implementation of the plan; and,
- (viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The development shall be implemented in accordance with the approved amended plan.

*Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 81 and RLP 84.*

- 55 No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc. should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.

*Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policies RLP 80, RLP 81 and RLP 84.*

- 56 Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.

*Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A and W10E, BCS policy CS5 and BDLP policies RLP 36, RLP 65 and RLP 90.*

- 57 No development shall commence until details and a timetable for implementation for all bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.

*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, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62, and RLP 90.*

- 58 Any tree or shrub forming part of the retained existing vegetation or the planting 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 construction of the IWMF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

*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, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 36, RLP 62 and RLP 90.*

- 59 No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 80, RLP 81 and RLP 90.*

60 No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IWMF for the period of the excavation of materials and construction of the IWMF, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLP policies RLP 80, RLP 81 and RLP 90.*

61 No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.

*Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies W8A and W10E, BCS policy CS9 and BDLP policies RLP 36, RLP 65, RLP 90 and RLP 100.*

62 Prior to commencement of development, details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles, shall be submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLP policy RLP 84.*

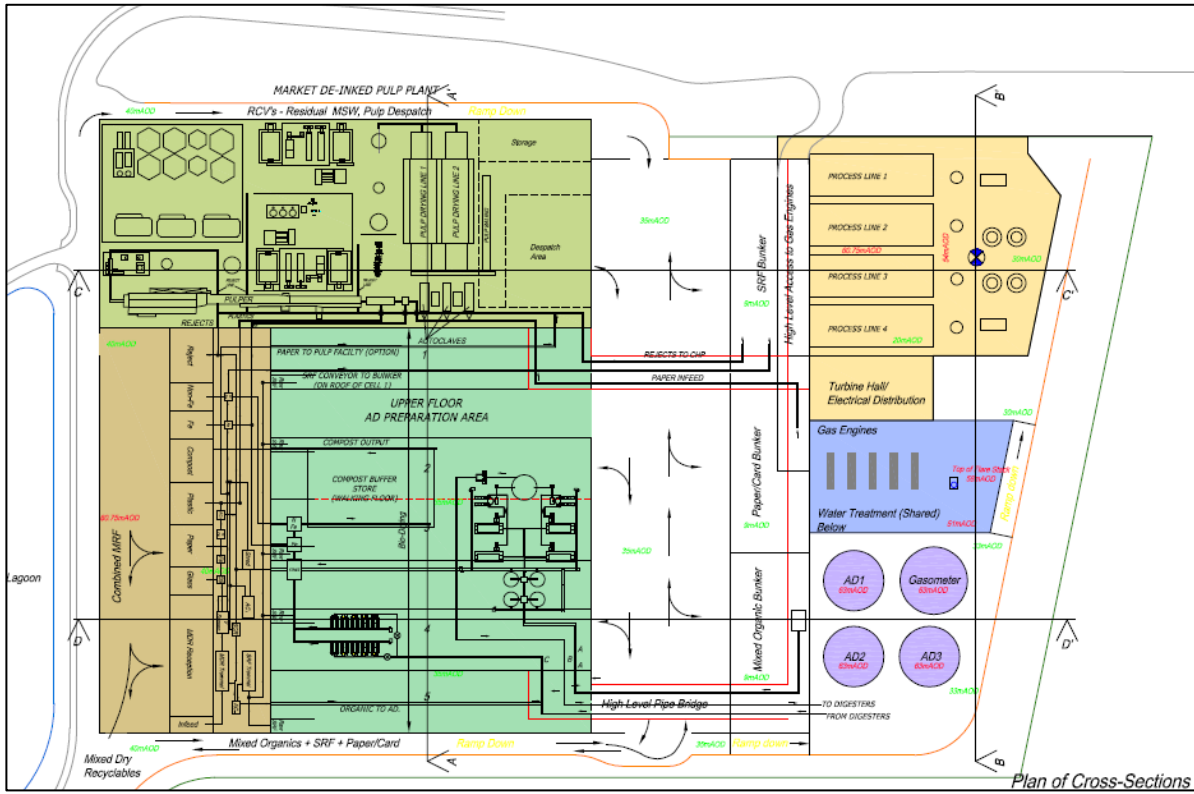
63 Prior to commencement of development, details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to "Stop" rather than "Give Way". The details shall be implemented as approved.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLP policies RLP 36 and RLP 49.*

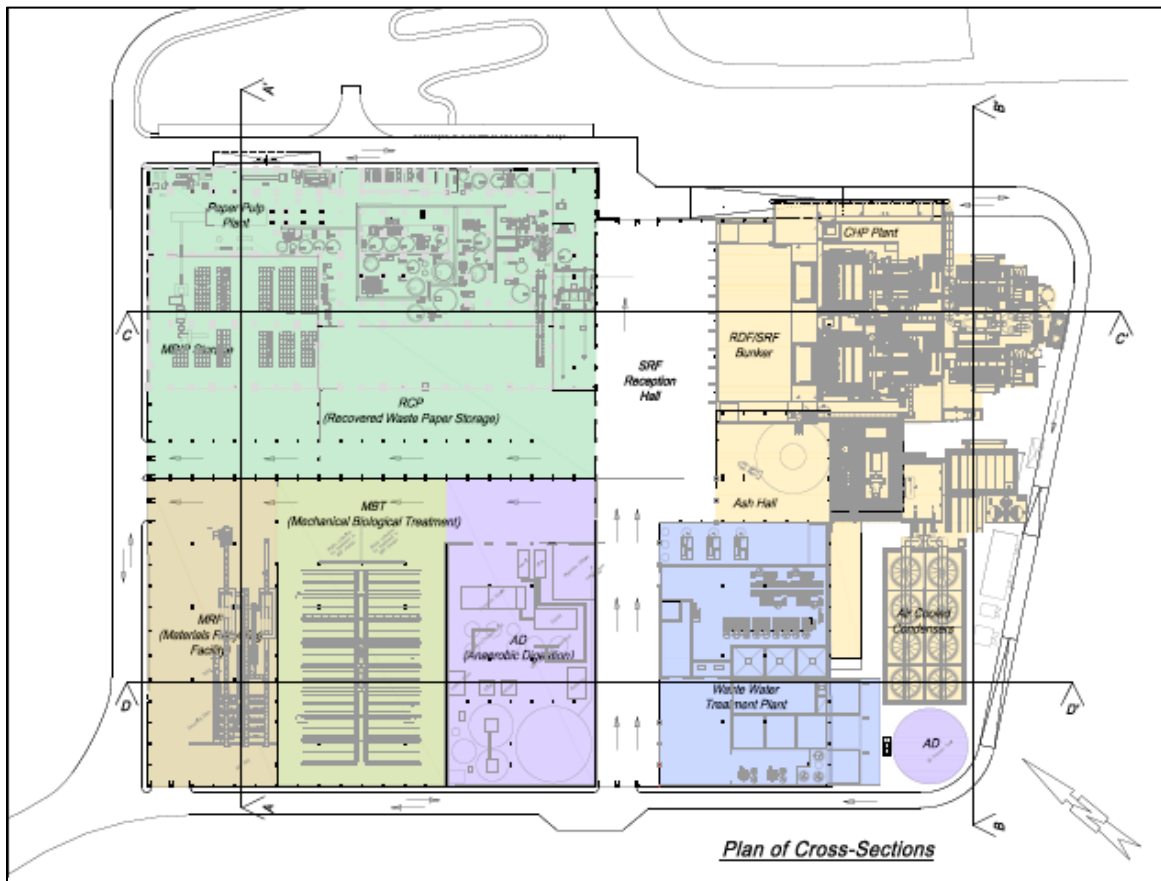
64 No development shall take place until a written scheme and programme of historic building recording for Woodhouse Farm and buildings (including Bakehouse & pump) has been submitted to and approved in writing by the Mineral Planning Authority. The written scheme and programme of historic building recording shall be implemented prior to the commencement of any demolition, works or conversion of any kind taking place at Woodhouse Farm and buildings as part of this permission.

*Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS9 and BDLP policy RLP 100 and the NPPF.*

Indicative detailed layout for IWMF



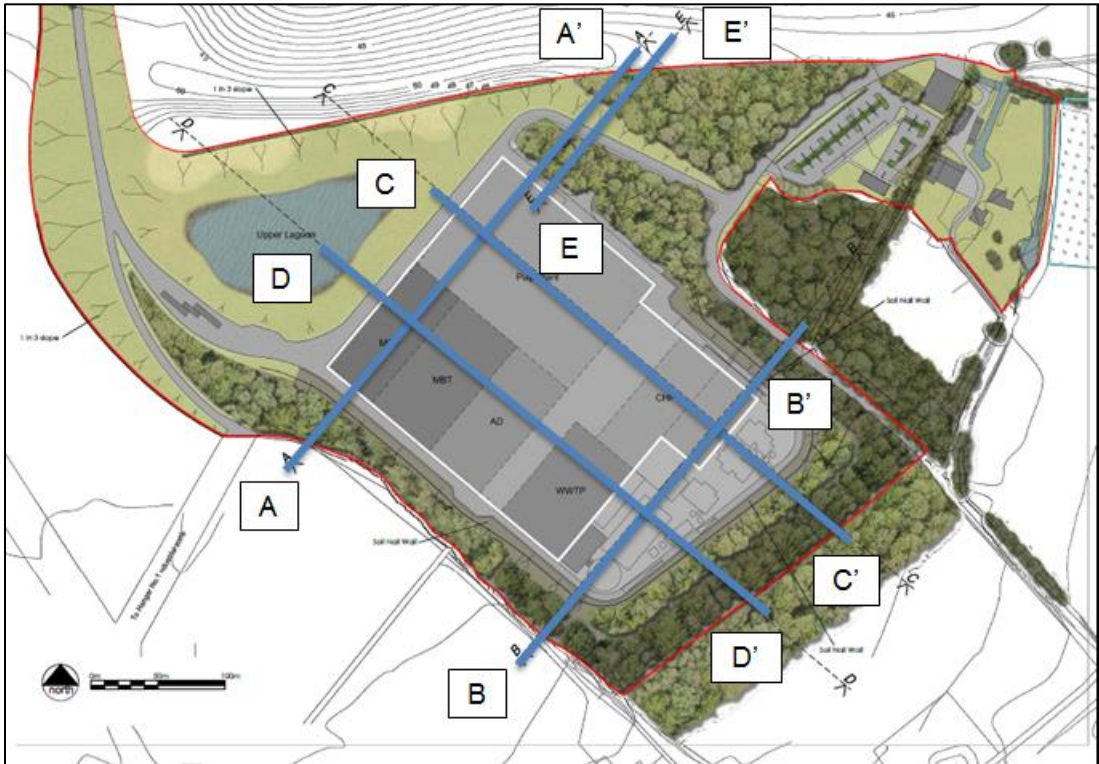
Current Plan of Cross Sections



Plan of Cross-Sections

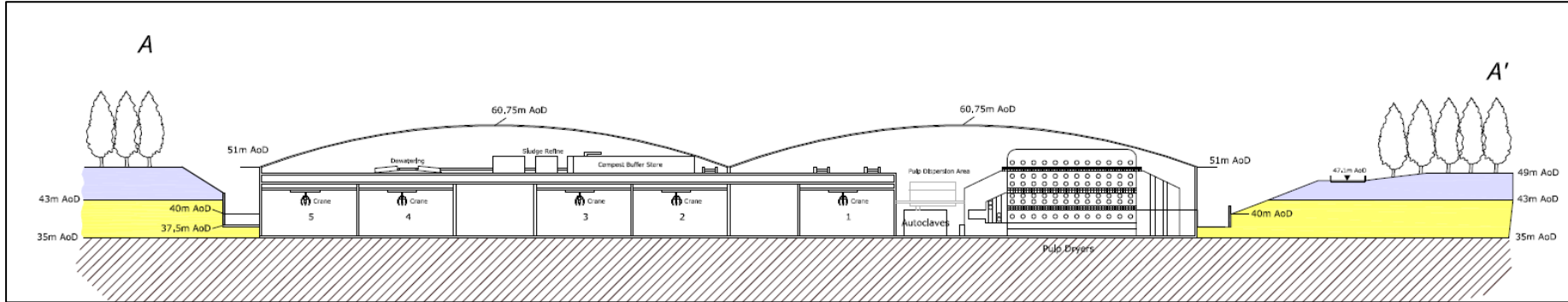


**Location of cross sections**

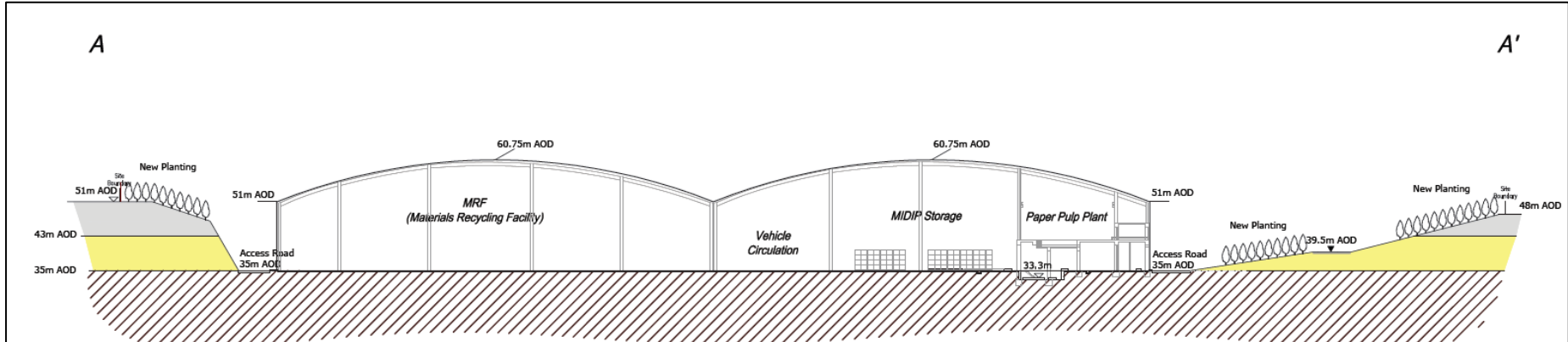


## Cross Sections – A – A'

Permitted ESS/37/08/BTE

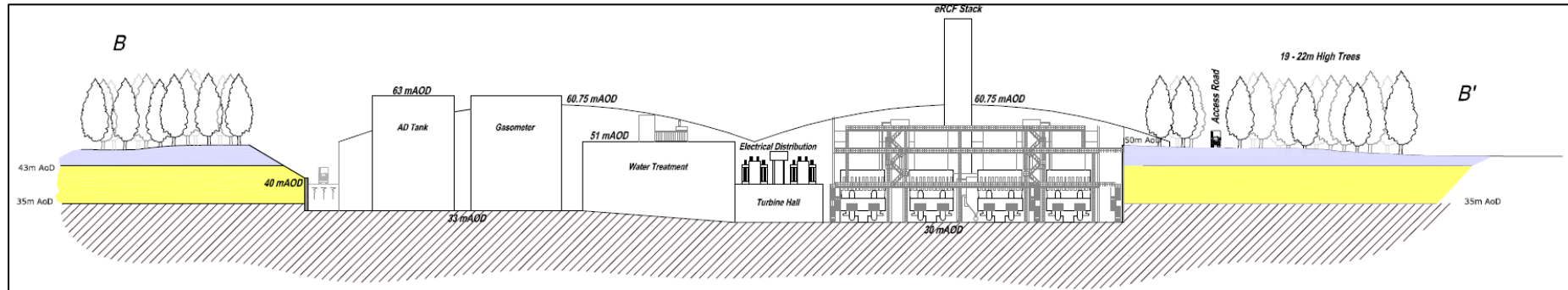


Proposed ESS/34/15/BTE

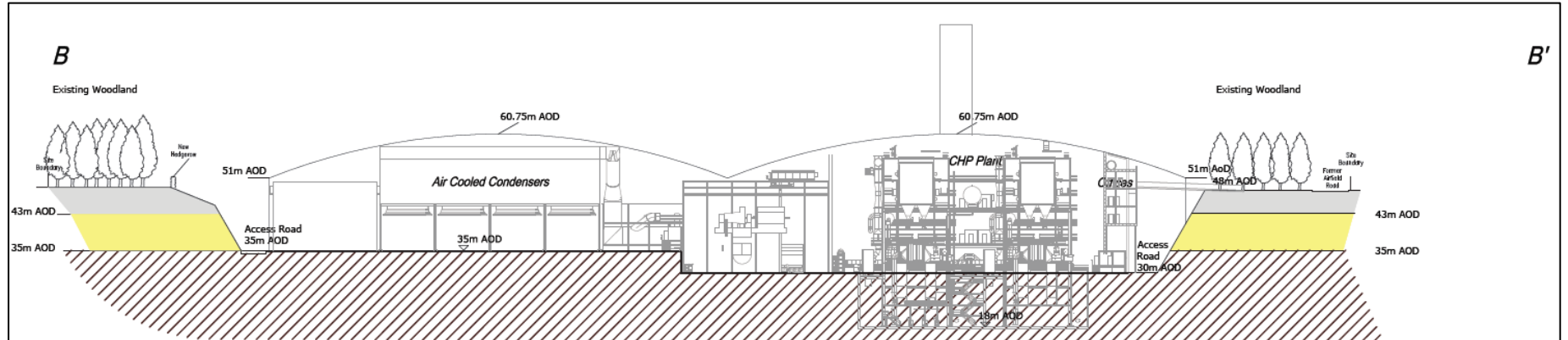


## Cross Sections – B – B'

Permitted ESS/37/08/BTE

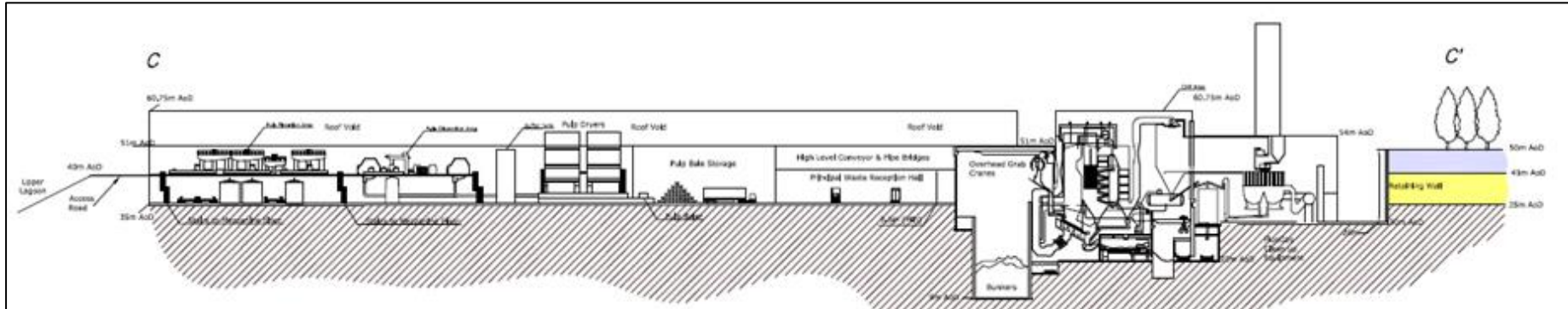


Proposed ESS/34/15/BTE

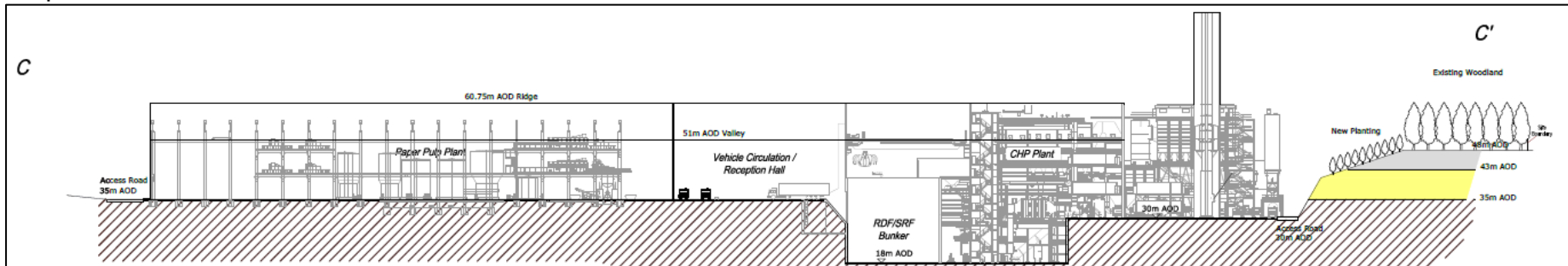


# Cross Sections – C – C'

Permitted ESS/37/08/BTE

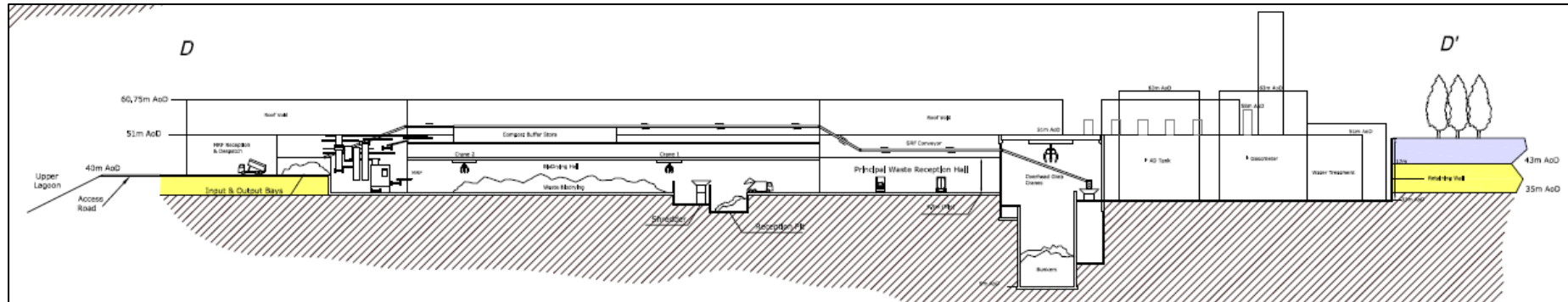


Proposed ESS/34/15/BTE

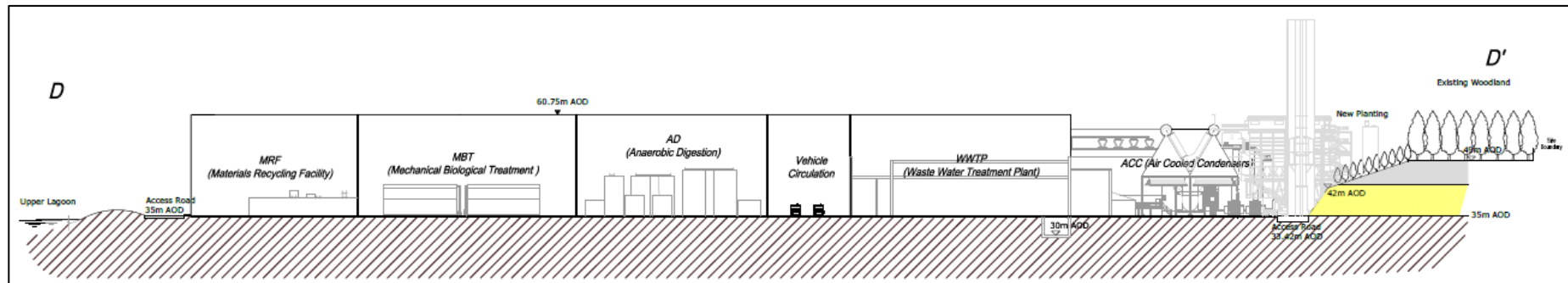


## Cross Sections – D – D'

### Permitted ESS/37/08/BTE

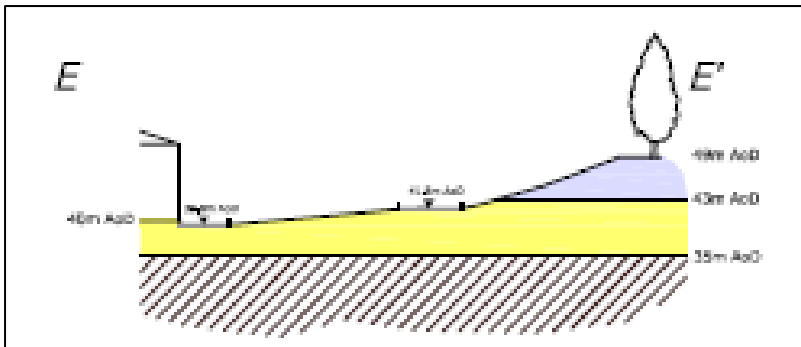


### Proposed ESS/34/15/BTE

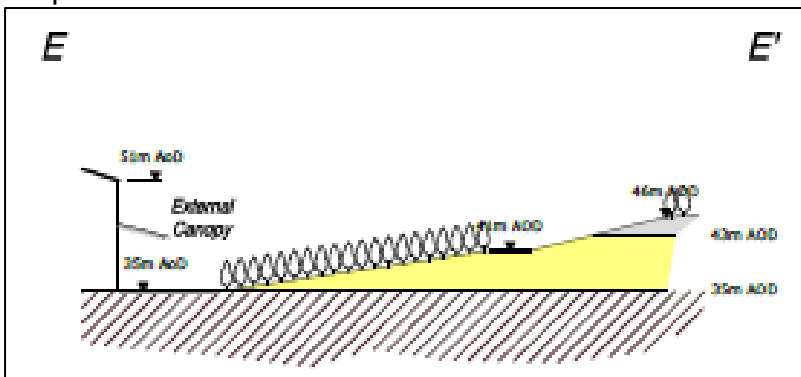


## Cross Sections – E – E'

Permitted ESS/37/08/BTE



Proposed ESS/34/15/BTE



## TRAFFIC MOVEMENTS

Figures in *italics* are those submitted as part of the application for the permitted IWMF (ECC ref ESS/37/08/BTE) and those in plain text are those submitted as part of current application. All movements are based on a 278 working days

## IWMF Daily Imports (in full, out empty)

	ESS/37/08/BTE			ESS/34/15/BTE		
	Total tonnage '000	Vehicle payload	One way movements per day	Total tonnage '000	Vehicle payload	One way movements per day
MBT	250	24	38	170	25	25
MRF	100	15	24	150	25	22
AD	85	24	13	25	15	6
SRF/RDF	87.5	22	15	337.5	25	49
Waste paper	331	25	48	35	20	7
				120	20	20
CHP, MDIP & WWTP consumables				26.2	20	5
<b>Total one way</b>			<b>138</b>			<b>134</b>

## IWMF Daily exports (in empty, out full)

	ESS/37/08/BTE			ESS/34/15/BTE		
	Total tonnage '000	Vehicle payload	One way movement	Total tonnage '000	Vehicle payload	One way movement
Rejects from MBT & MRF	42.5	25	7	1.5	22	1
Recyclables & compost	101.0	25	16	45.0	24	7
				8.8	20	2
Ashes & residues	75.1	25	12	147.0	25	22
				14.3	22	3
Recycled paper pulp	199.5	25	29	110.0	25	16
Sludge from MDIP				68.3	15	17
<b>Total one way</b>			<b>64</b>			<b>68</b>

<b>Total one way</b>			<b>202</b>			<b>202</b>
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The above demonstrates that no more than 404 movements per day total would be generated by the amended proposals.

### Full comments of the Local Member for Witham Northern

The site has gone through a series of planning applications and variations from an original proposal for a "Recycling and Composting Facility" (RCF) to the "Evolution of the RCF" (eRCF), to the IWMF and now the S73 variation application. None of the previous versions of the facility have been started.

This history was added to with the additional Environmental information as requested by the Government in relation to the Appeal for another year - which was also required by ECC.

I did ask to see the opinion that ECC has apparently obtained as to why the current variation application was accepted as a "change to the conditions". This request was refused. Therefore as a Member with part of the site in the division I represent, I have been unable to explain to local residents and parish councils who have asked me, why this application has been deemed minor, when the implications of it would appear to be far from minor.

The S73 application seeks, along with other things, to remove the consented drawings in condition 2 of ESS/55/14/BTE with the intention of:

- (i) changing the internal layout of the plant,
- (ii) significantly altering the process balance,
- (iii) a slightly smaller plant footprint and related changes to the surrounding walls and access road.

This application is also accompanied by a series of condition discharge applications.

Given the "minor" status of the application, I note that the whole application (together with the condition discharge applications) consists now of 370 documents on the ECC website, some of which are duplicates. The documents are not set out in a way which makes for ease of understanding the different status of the documents and as ECC does not publish consultee responses, it is not possible to follow the application in terms of key responses as they are submitted.

I have had many requests by e-mail and telephone from interested persons and parish councils who are confused by the complexity of this application and further complication of the parallel other applications and the ongoing Appeal.

The S73 application does not, in itself attempt to substitute back in all the drawings being amended. Some drawings which appear to be current are labelled as "indicative or "preliminary". Even the updated Environmental information submitted at the end of 2015/early 2016 shows a number of key drawings as "indicative" or "preliminary" including 3-19 (front elevation), 3-12 (building and process layout sections), 3-8 (building process cross sections).



The applicant states that a condition 19 submission will fill in the missing drawings but does not say when this will be even whilst submitting information stating that the development will begin soon.

It appears (Statement of Support para 4.5) that the applicant may change the plant processes via condition 19 in response to the Permit application to the EA.

This raises uncertainty as to the final intentions and appears to be incompatible with the Intention to Start application ESS/55/14/BTE/LA2 which has been submitted to ECC. I have submitted separate comments regarding this application, but would in the context of the S73 application reiterate what appears to be a risk that the facility could be commenced without all the elements of the facility having been finalised and without contractors having been appointed. It is notable that the S73 application gives a good deal of internal detail regarding the incinerator/CHP, but much less for other elements.

Another area of uncertainty is that the updated Environmental information introduces new matters, most notably in relation to water (see below) which could affect the ability of the plant to operate at all, as a separate (and complex) new water licence from the EA would be required which may not be determined for many months, even while construction was underway.

The outcome of the facility Permit application and the outcome of the stated intention to apply for a new abstraction/discharge licence are unknown, both of which could significantly influence the physical detail and process functions of the plant in respect of water.

In total, how could construction of such a large and complex development begin when the plans and permit/licences are not finalised and agreed? Why has the level of uncertainty increased in the 6 years since planning permission was granted, instead of the normal closing down of uncertainty via finalisation of details and permitting in a timely way? In a report for Atkins, regarding the delivery of the Basildon MBT plant, they stated that "planning and permitting had been secured in good time".

The applicants refer to the need for flexibility and state that (Statement of Support para 4.1) the extant permission was "conceptual". This is not what the Inspector to the 2009 concluded. In his report he did support flexibility, but in order to "ensure that high rates of recycling and EfW can co-exist". The Inspector made an "on balance" decision that the evidence of high levels of recycling were benefits that carried weight to consider against the harm caused by the facility being built in the countryside.

The applicants refer to the facility producing "green" and renewable" power. They do not however qualify such statements by explaining that only the biodegradable fraction of waste can be classed as a fuel source for renewable energy. The Government is perfectly clear about this.

As stated above, the S73 application seeks not only to remove agreed plans and substitute them at a later date, but also to significantly alter the process balance of

the plant, which was a key consideration at the 2009 planning inquiry and subsequently the grant of consent by the SoS in March 2010.

The headroom capacity rises slightly in the S73 application. The permitted input capacity in respect of ESS/55/14/BTE is 853,500 tpa. The S73 application seeks to increase this to 863,700 tpa. Whilst a modest increase, this is a breach of condition 29 of the extant consent.

The permitted incinerator/CHP capacity is 360,000 tpa. The S73 application seeks to increase this to 595,000 tpa, an increase of 65%. The applicant argues that the increase is not so large based on energy considerations, but the normal way of assessing the capacity of processing elements is by tonnages, as has been the case throughout the planning history of this site.

The applicants signposted their intention to increase the incineration capacity in previous applications, including the "hinterland" application that removed geographical sourcing. However since the first iteration of the "eRCF" it has been clear that waste incineration was a dominant consideration with the applicants seeking to link the Rivenhall facility with the expected SRF outputs from Basildon. This is confirmed again in the S73 application where at para 6.6 of the Statement of Support, it is stated that "only" Rivenhall could take the Basildon outputs. The applicants go further at para. 8.11 by stating that the "furnace specification has been changed to take account of RDF specification including Essex County Council at Basildon."

It is an issue of commercial procurement as to where the SRF from Basildon goes in the long term. However, it is clear that Rivenhall is not the only plant that could take the material. There are operating plants within the region that could take the material and which state they have had discussions with ECC. In a written response to me, ECC confirmed that as well as Rivenhall (which of course is not built) the decision as to the timing of seeking a future longer term contract(s) took into account another plant within Essex that is proposed to be built at Thurrock, as well as other plants in the South East.

To keep the overall "headroom" capacity similar to the extant consent, the S73 application proposes to reduce all the recycling elements.

This relates notably to the paper pulping element of the facility (the main "anchor" for the Combined Heat and Power (CHP) function). The paper pulping capacity is proposed to be more than halved in the S73 application from 360,000 tpa to 170,000tpa. This is a decrease of 53%.

The other major elements of the plant that recycle waste are also proposed to be decreased in capacity. The AD capacity is proposed to be reduced from the extant consent of 85,000 tpa to 30,000 tpa. This is a reduction of 65%.

In terms of the MRF facility, the applicants state that this is to be considered as a processing line to produce RDF for the incinerator/CHP. It is not clear why this change is proposed but the effect is to further decrease the recycling performance

compared to the extant consent. The recycling output of the MRF in the S73 application is about 15% of capacity in tonnage terms.

All these matters raise questions about the changed process flows in relation to the Waste Hierarchy and the need to move waste management up the Hierarchy, not down.

The applicant states that ECC has provided for municipal waste treatment via a network of transfer stations, the Basildon MBT (under commission) and two AD plants for food waste – one operating at Halstead and one to be built at Basildon. The emphasis for the proposed facility at Rivenhall is therefore much more towards handling commercial waste.

The applicant has long stated that the non-hazardous commercial wastes they would be handling are similar to municipal wastes. ECC data shows that the commercial waste sector in Essex is larger than the municipal waste sector. Therefore it is unclear as to why waste should not be recycled at the same or a similar level as in the consented plant. Why for example, is it proposed to decrease AD capacity by 65% when there is a significant commercial food waste market?

In this matter, it is noted that the S73 application states that materials entering both the MBT and MRF units of the facility will be initially shredded. It is not normal practice to shred waste entering an MRF and some materials, due to the stated process flow, will go through shredding twice. This will reduce the effectiveness of recycling compared to a normal MRF set-up.

When the Inspector considered the facility at the Inquiry in 2009, he concluded that it did offer the prospects for moving waste management up the waste hierarchy and could maximise recycling. A question to be asked now is - would he come to the same conclusion with the S73 application?

The consented flows detailed in the Inspector's report were 853,500 tonnes per annum total site inputs, with 300,500 tpa recyclates (materials, paper pulp and compost) exported off site - a recycling rate of 35%.

The S73 version of the facility now proposes that of the (increased) 863,700 tpa inputs, 163,771 tpa would be exported as recyclates - a recycling rate of 19% (these figures and those below regarding in and out tonnage flows are derived from the Intermodal document).

The switch in process balance is such that in the S73 application the amount of material exported off site to landfill and as ash would be 231,054 tpa - significantly more than the recyclates. This includes the intention in the S73 application not to use the paper sludge internally as fuel for the incinerator/CHP (as in the extant consent), but to export it off site (68,000 tpa).

The “anchor” for the consented plant was a paper pulping unit of 360,000 tpa capacity. This would have used heat, steam and power from the proposed incinerator/CHP. In the proposed S73 version, the capacity of the pulping unit is more than halved. This raises questions about the energy balance of the facility.

Given the much larger incinerator/CHP and the much smaller paper pulping unit, will heat be wasted?

I referred above to the new matters introduced by the applicant in the updated Environmental information. The stated intention, which I note was denied by the applicants when I questioned it in the autumn of 2015, is to use the River Blackwater more intensively for abstraction and now (new proposal) for discharge as well. Effluent discharge was never part of the extant consent nor ever suggested by the applicants to the Inspector in 2009. Why has this issue emerged now? It is not clear, especially given the smaller pulping plant (the dominant user of water), why the proposed water use has changed so much.

This new matter in the planning considerations is in conflict with the Permit application to the EA, which was made in late 2015. Despite the S73 and the Permit documents both being drawn up in 2015, the Permit application maintains the proposal for a "Closed Loop" water cycle and categorically rules out discharge. Confusingly, the applicant refers in the S73 updated Environmental information to the proposal for abstracting more and discharging to the river as a "Closed Loop".

Whilst it is accepted that the permitting regime is separate from the planning regime, it is confusing and raises uncertainty if significant matters in the two regimes are treated in materially different ways.

The use of water at the facility is an important issue as many of the processes will require high and continuous 24/7 water resources/demand – notably the paper pulping unit. The extant planning consent with the "Closed Loop" water system needs "minimal" (quote from 2009 Inspectors Report) use of external water and "Zero Discharges" externally. The Inspector concluded in his Report based on the information submitted in evidence by the applicant that water would be derived largely from storage lagoons, internal recycling and rainwater.

Consistent with these conclusions, the applicant did obtain a limited (winter only and capped) licence to abstract (but not discharge) "top up" from the River Blackwater - but this has lapsed.

Confirmation of the proposed change to the water cycle is contained in the new document submitted within the updated Environmental information entitled "Forseeable Developments" (Jan 2016). This states that:

"The River Blackwater would be the primary source for industrial water use at the site".

The document also states that a new licence application to the EA, (to be submitted in the first quarter of 2016) is expected to ask for both increased abstraction (all year round) and discharge to the river.

References to the intention to both abstract and discharge to the river, along with pipe routes and a new abstraction/discharge point on the river are found in numerous documents including on noise, transport, ecology, archaeology and grid connection.

The facility would have a water turnover of thousands of tonnes per day (table 10.1 of the updated Environmental information suggests a total water turnover in/out of 3,609 cubic metres per 24 hour day). More intensive use of the river raises questions about the ecology of the river (it supports species such as otters and water voles), existing water uses such as agriculture, and the wider significance because Essex is the driest county in the UK. Essex already relies on a water transfer system in the summer as this county is not "net self sufficient". This transfer system includes use of the River Blackwater for water that after treatment enters the mains for human consumption.

The extant consent is based on a net loss of 121 cubic metres per day of water. The applicant now states in the updated Environmental information that this would rise to 497 cubic metres per day.

Despite all of the above, the water flow schematic drawing, listed as a current document on the ECC web page for the application, shows no discharge to the River Blackwater.

Historic development of the area has largely left the former WW2 Rivenhall Airfield and immediate surrounds to nature and farming, with the more recent Bradwell Quarry extensions, but with a requirement to restore to agriculture and habitat. The land immediately around the proposed facility includes habitat in the form of TPO woodland and old farm buildings.

Strong local populations of wildlife have built up in the area which are regularly recorded by local people and interest groups. Given the scale of the proposed facility it is unclear, especially in regards of impacts such as noise and light pollution, how the ecology will be maintained and not harmed. On or very near the site, there are great crested newts, at least 3 species of bat, otters (River Blackwater), brown hare, deer and many bird species including owls (several species), buzzards, kestrels, woodpeckers and red kites. Birds identified in the Gent Fairhead assessments (from the 2000s) included Red Listed bird species. GCN and all bats are protected in law.

Will the measures proposed to protect species actually work given the scale and impacts of the proposal? The applicant states that great crested newts have been removed from the site and fences erected to prevent re-entry. Have assessments been carried out to find out if the surrounding habitat has provided protection to these evicted protected animals? The applicant also confirms that roosting and nesting sites for barn owls, bats and breeding birds have been/will be removed. Where will they go? Does the surrounding habitat have the ability to support them, especially given the impacts this major industrial facility will bring? Reference is made to putting up boxes. But sensitive (including nocturnal) species will not use boxes if disturbed.

The updated Environmental information shows an earthworking sequence (again marked "preliminary") with a large stockpile of soil very close to the edge of the retained TPO woodland. It is standard practice to require that no storage of machines or materials should take place within the root protection areas of trees.

The applicant states in the updated Environmental information that the facility will not cause light pollution. The Honace document of July 2015 states that there will be a "low impact of light pollution" and that light sources will be "directed downwards".

However, the submitted construction lighting details (condition 43) show a large number of badly designed lighting units with very poor directional control. These comprise "bog standard" non-asymmetric floodlights, illustrated facing sideways and such that 50% of output would go into the sky. Bulkhead lights are shown (presumably for the accommodation areas) which again, are "bog standard" design with no regard for amenity or ecology. They are sometimes referred to as "glare bombs" as they can be seen from long distances.

Permanent lighting is proposed at the listed Woodhouse Farm (where there are bat roosts in the roof space and in nearby agricultural buildings). Woodhouse Farm and the associated buildings (owned by GF) are proposed to be redeveloped as part of the facility. As well as the immediate surrounds of the farm, the ecology of the adjacent areas of TPO woodland would be at risk of harm unless the lighting is very carefully designed and controlled. Whilst the LED column mounted lights (subject to being angled at zero tilt (i.e. flat to ground) are acceptable, the proposed bollard lights have a variant illustrated in the documents with no baffling. They would be seen as high glare sources at distance unless they include effective internal baffling to angle the light output downwards. It would also be essential to protect sensitive species and the locally dark landscape character of the airfield that the conditioned hours of use were complied with.

In respect of the proposed permanent lighting for Woodhouse Farm and the car park area (and the construction lighting discussed below) it is important to note that the colour of the light sources is a vital consideration when minimising light pollution in a dark skies area. White light has a far greater light pollution impact than "cooler" colours - i.e. more yellow colours. White LEDs in particular have a significant light pollution potential due to being "blue rich" and there is some evidence that they are detrimental to human health and wildlife. These units should be avoided.

The construction layout shows a large number of "light masts". It is difficult to see how the industrial development of the site, in a currently quiet, rural and peacefully dark (at night) environment will do anything other than cause harm to the bat populations that feed and roost at the site. The details state that the lights will be on 6m columns and that some of these will be positioned such that the heads will be above local ground level. The discussion from the applicant about light levels diminishing with distance is of course an obvious fact, but this does not address the fact that these units would be visible over long distances if above local ground level and will cause sky glow even if below local ground level. The airfield is a very dark area where even porch lights can be seen from houses right across the width of the airfield. The applicant discusses lux levels similar to moonlight around the proposed lit area at Woodhouse Farm (0.2 lux quoted). Current ambient light levels on a starlit moonless night are less than 0.01 lux, as I have routinely measured.

So the design and height of all lighting, including the construction lighting, needs to be carefully assessed in the context of the area (not desktop) and the hours of use strictly adhered to to avoid significant harm being caused.

It is noted that no details of operational lighting for the facility itself (condition 44) have been submitted.

By acknowledgment of the applicant Rivenhall Airfield is a “Dark Skies” area - where good views of the natural night sky can be obtained and appreciated by local people.

Paragraph 125 of the NPPF states that

“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

A key planning issue is the incinerator stack height. The extant consent allows for a 35m stack (above local ground level). The listed buildings at Woodhouse Farm are close to the proposed waste plant – less than 200m. Local and national policy has consistently pointed to the importance of protecting designated heritage assets and the need to consider the degree of harm from any proposed development that may affect listed buildings.

However the degree of harm to the setting of the listed buildings at Woodhouse farm cannot be known until the final stack height is known.

The height of the stack will not be certain until the EA completes its consideration of the Permit application. Determination is not expected for several months. The 35m stack that Gent Fairhead states it will build is barely half the height of typical stacks for installations of the type and size proposed (source: FoI request to the EA for a complete list of incineration facility stack heights in England).

For instance, the incinerator stack height at the Great Blakeney site near Ipswich, (which is a smaller capacity plant than that proposed at Rivenhall) is 81.5m (as required by the EA). A similar stack (if required by the EA at Rivenhall) would be seen as a large structure above the listed buildings at Woodhouse Farm – approximately half way up the sky to the zenith as seen from the front door of the farm.

At the 2009 Inquiry, the stack height was a key consideration in terms of the listed buildings and in terms of landscape impact in the countryside. The extant planning consent requires (by condition 14) that all details of the stack should be submitted prior to commencement of development and shall be maintained as such. Yet if the EA does require a much higher stack there is a risk that the applicant could have commenced building (on the basis of a 35m stack) and that any requirement for a higher stack would require the applicant to go back to ECC for another planning application, both in breach of the extant planning conditions and at the risk of increased harm to the listed buildings and the countryside.

The Inspector to the 2009 Inquiry (and subsequently, the SoS) were both clear that all details of the stack had to be agreed prior to commencement to avoid risk with regard to impacts.

The height limitation that the applicants themselves offered in terms of a 35m stack height, (and which the Inspector and SoS agreed with in relation to the extant consent) amounts to an agreed height restriction, which is a criteria set down in the NPPfW.

Whilst control of emissions to air are largely an issue for the permitting process, information is supplied within the S73 application. The Human Health Risk Assessment data can only be considered as uncertain due to the fact that the EA will determine what is acceptable, the stack height, etc. It is noted that some of the levels for metals are potentially high and residents have raised concerns with me about this. Whilst the applicants rely on a modelled "worst case" location for emission levels in a field to the north east of the plant, in reality a "real world" worst case could be abnormal emissions in adverse weather conditions (eg temperature inversion) being blown towards Silver End where several thousand people live about a mile from the plant (some closer than that).

Having studied the dispersion model used, I remain concerned that it appears to be simplistic. It appears to have only 3 elements - a simple terrain (agricultural land of defined roughness), an oblong block for the plant, and the stack.

In reality the facility would be surrounded on 3 sides by woodland, with tree heights up to 20m (within 15m of the top of the stack). There are also large changes in ground levels due to the nearby quarry and the building itself would not be a simple oblong, but would be a twin arched roof with the long axis almost at right angles to the most prevalent wind direction, which is south west. This raises questions as to whether the plume could be grounded by eddy currents over the building and the woodland.

### Condition submissions

Due to the vast amount of documentation (which has been added to and changed during the consultation period) I have not had time to go through all the documents, including all the condition applications and I know many other people have had the same experience. However I noted that once again, the word "preliminary" appears - such as in the condition 6 drawings which also refer to further information to be submitted "in the detailed design". How can condition discharge details be termed "preliminary"? The whole purpose of such submissions is to give final and certain details to the LPA.

### Notes on apparent errors that appear in the application:

The application form at Q7 states incorrectly that the site cannot be seen from PRow. It can in fact be seen at close proximity from PRow Kelvedon 8.

The Statement of Support states that by moving the stack in the S73 application to the north east, this takes it further away from PRow Kelvedon 8. This is incorrect - it moves it closer.



The applicant continues to state that the only access will be via the haul road to the A120. However, the S73 plans clearly show (as previous plans have done over many years) an access road linked to Woodhouse Lane at the point where PRow Kelvedon 8 diverts towards Woodhouse Farm. Given that ECC has allowed access via Woodhouse Lane in relation to the A3 and A4 minerals extension to Bradwell Quarry, there is a risk that this access could be applied to be used for part of the waste site traffic, or as a "second access" when the A120 is blocked. If this took place, due to restrictions on some local roads, it would mean HGVs would have to come through Rivenhall and/or the Conservation Area in Silver End. Drawing 3-3B shows the access road to Woodhouse Lane.

The Statement of Support at para. 7.8 states that paper pulp sludges will go to the incinerator/CHP. But the transport assessment (Intermodal) states that the sludge will be exported off site.

## Representations

Observation	Comment
<b>APPLICATION TYPE &amp; DETAIL</b>	
Another attempt to vary the planning consent granted in 2010, which was itself a variation of a prior permission.	See appraisal section A
Objection on the grounds of documentation. Documentation cited in the letter from the agent is not present and as such the application cannot be fully and completely evaluated.	All documentation was available on the ECC website, although it is understood it was slow at times.
Applicants should provide information in a more accessible format or ECC should provide commentary and/or arrange further public engagement events to demonstrate full public consultation has been carried out.	Consultation was in accordance with Statement of Community Involvement
Essex County Council is in danger of bringing itself into disrepute by expecting lay people to understand the complex language used in planning applications of this kind. Proposal will have an impact on the lives of residents living in Coggeshall, Kelvedon, Silver End and the surrounding areas for many years to come. The least that the County Council should do is to write to all residents in plain English and enclose a direct link to the documents on the website.	See above and appraisal section A
Very difficult to review, understand and assess the new information provided.	See appraisal section A
Proposal is a new application being disguised as a variation, which is not acceptable. Applicant is abusing the planning system.	See appraisal section A
Witham Town Council recommends refusal on the basis that the impacts of the changes proposed are so significant as to warrant a fresh application.	See appraisal section A
Fresh application required	See appraisal section A
Secretary of State for Communities and Local Government granted planning permission in March 2010. It took until August 2014 for the applicant to seek extension of the period for commencement. In January 2015 the applicant sought removal of conditions 28 and 30, which restrict geographical source of solid recovered fuel, waste paper and card. Now the applicant seeks amendment to the layout of the integrated waste management facility.	See appraisal section A
Not be possible to support an agreed start date on a project where the design of the plant is still not in the public domain.	See appraisal section A
There are a significant number of changes to the proposed development that have yet to be agreed. Change and uncertainty creates further distress to those people who will be affected by this project.	See appraisal section A
Objection on the ground of planning history. Proposal represents an incinerator that was originally rejected. The amendment represents significant Planning Creep. Proposal is now different size and purpose, tending towards to the original refused application. Not a minor change to the small incinerator	See appraisal section A

concession allowed specially for the generation of power for on-site consumption.	
In March 2010 the applicant accepted the Secretary of State for Communities and Local Government decision – now seek to amend plans and restrictions. Fresh planning application should be required to due changes to the original planning application.	See appraisal section A
Planning process has been long and drawn out.	The application has been subject to two periods of consultation
Queries why the recycling plant is no longer required when recycling is being encouraged.	
Concerned that the application was accepted as a “variation” by ECC when proposal is a fundamental change to the function of the plant.	See appraisal section A
Queries legality of amendment.	See appraisal section A
Inspector and Secretary of State would have not supported what is now being proposed.	See appraisal
Applicant proposes indicative drawings, instead of drawings previously detailed and agreed. This is inconsistent with the condition that planning is to commence by March 2016.	See appraisal section A
Understood that ECC procured legal advice about whether the application should be regarded as a variation of the previous application, which suggests ECC uncertainty.	See appraisal section A
The planning system is being abused.	See appraisal section A
Queries end plans for Rivenhall and continued “planning creep”.	See appraisal section A
‘Planning creep’ for 16 years plus.	See appraisal section A
Applicant is already had over 5 years to build on this site.	The planning permission is time limited and if not implemented will eventually expire
No internal processing detail.	See appraisal section A
Full public consultation required.	Application subject to consultation in accordance with the adopted Statement of Community Involvement
Insufficient consultation has been undertaken with the local community	See above
21 days to responds to application seems grossly inadequate.	See above
The documents relate to an earlier consultation and due to proposed changes, the prior consultation materials are not applicable.	The historical Environmental Statement was relevant to the consideration of the application.
The reports are outdated and not enough information.	See above
Full and proper inquiry should be undertaken.	It is matter for the SoS as whether the application is “called in”
Requests Government “calls in” application.	See above
Less process information than in the original application – unsafe to grant permission for larger facility.	See appraisal section A
Application has been hurried through to cover up the risks and impact on the local community.	Application has been with ECC since August 2015 and subject of 2 periods of consultation.
Applicant has not commenced development and waited until the last minute to apply for changes in an effort to ask for larger capacity for the incinerator.	The application was valid and therefore could not refuse to accept.
<b>NEED</b>	
Concerns re reduction in recycling and plan to bring in	See appraisal section B

rubbish from any geographic location.	
Concerns re reduction in recycling and plan to bring in rubbish from any geographic location.	See appraisal section B
Threat of proposal has been hanging over residents for more than 10 years – still unresolved.	See appraisal section B
Increase the overall burn capacity by 98% from that originally requested.	See appraisal section B
Proposed tonnage to be burnt at Rivenhall is far in excess of the original RCF and the revised eRCF.	See appraisal section B
Proposal is not a recycling plant and the applicant is not investing in green and renewable energy – misleading and disingenuous to state otherwise.	See appraisal section B
Preference for much more recycling and no incineration	See appraisal section B
Proposal undermines the decision by the government inspector as proposal is for a much greater amount of material to be incinerated than the inspector considered.	See appraisal section B
The capacity of the plant now exceeds the total waste we produce in Essex, in breach of the 'proximity principle'.	See appraisal section B
Requests reconsideration as to how the site can deliver the recycling strategy for the good of the county and commission a service from a supplier that is truly fit for the future of the planet.	See appraisal section B
Removal of geographical restrictions for waste collection and delivery is contrary to the concept of waste sufficiency expressed in recent Essex Waste Plan consultation.	See appraisal section B
Queries why rural villages should take on waste from elsewhere.	See appraisal section B
Proposal is morally incorrect.	See appraisal section B
Proposed size is unnecessary.	See appraisal section B
Braintree District has a good recycling record and burning waste is counter to the ethos of recycling	See appraisal section B
No need – proposal will benefit only the developers.	See appraisal section B
No need to develop such a large site with capacity many times larger than needed to deal with waste in North Essex, particularly as Essex is demonstrating good progress with recycling.	See appraisal section B
Alternative sights away from settlements have to be considered.	See appraisal section B
Queries need for incinerator in the UK re existing and proposed facilities.	See appraisal section B
Emphasis on burning waste rather than recycling, goes against national and European policies aimed at reducing and recycling waste.	See appraisal section B
Incinerator nearby in Ipswich.	See appraisal section B
As the local area considerably exceeds the recycling targets, the plant would be burning waste from area where they don't make the same effort and given time will be an incinerator for London waste.	See appraisal section B
If there is a need for an incinerator within Essex there are other areas, such as Thurrock or Bradwell Power Station, that are far more suitable for an incinerator	See appraisal section B
Waste reduction and recycling is the only solution, which would also save valuable natural resources.	See appraisal section B
Queries whether this is a sustainable policy for the District or the County.	See appraisal section B

Concerns that the proposed increase in the burning levels will reduce recycling. Reuse/recycle should be first approach.	See appraisal section B
Opposes burning with the reduction in MBT and AD plants.	See appraisal section B
Queries paper pulping unit reduction.	See appraisal section B
Incineration destroys resources forever.	See appraisal section B
Plant will clearly need to be "fed" for decades to make it viable, with material brought from further and further afield.	See appraisal section B
Queries whether the proposal contravenes local, national and European policies aimed at reducing and recycling waste. Public statement on the legal position requested.	See appraisal section B
Proposal is inappropriate and goes beyond what was originally approved – waste now being taken from outside of area and increased incineration.	See appraisal section B
Council appearing to side with the developer.	Each application has to be considered on its individual merits.
Objection on the grounds of commercial viability. There are other, more commercially viable alternative regional incinerators with capacity. Intention to use this facility to address the Basildon SRF waste. However, if GF are not given this contract the commercial viability is further questioned. New Nuclear plant at Bradwell – queries need to use an incinerator to generate power.	See appraisal section B
Intention to raise a FOIA request to understand the budgetary assumptions and projections of Essex County Council. ECC has made significant budgetary assumptions leading to support of the continued expansion of the Rivenhall site.	The WPA has not involvement in the decision as to suitable contractor for disposal of waste.
Conflicting public statement regarding the extent of proposed amendments. Figures provided by Councillor James Abbott in the Braintree and Witham Times (3 September 2015) suggest incineration would increase to 595,000tpa (a 98% increase from the original 300,000tpa and 65% from the most recent permission) and recycling would be decrease from 360,000tpa to 170,000tpa.	See appraisal section B
Proposal will be one of the biggest in England – burning 595,000tpa of waste.	See appraisal section B
Proposed capacity to burn 595,000 tonnes of waste per year is a 65% increase beyond that permitted in 2010 and almost 100% more than that permitted by the original permission.	See appraisal section B
Closed loop relationship between various types of waste processing is compromised by the removal of paper sludge by road instead of by incineration.	See appraisal section B
Nothing showing that best available technology will be used.	Best Practical Environmental Option now not a requirement
Objects due to Essex County Council paying private companies £15 million a year to incinerate 200,000 tonnes of household waste – causing air pollution and adding to climate changing.	See appraisal section B
Demands a sustainable Essex waste strategy based on at least 70% recycling by 2020.	See appraisal section B
Queries why the land cannot be used for mineral	Each application has to be considered

extraction. Has been accepted as part of the mineral extraction plan and at least in 20 years the land can be returned to nature by creating lakes etc.	on its individual merits
Benefits of proposal, such as recycling, are outweighed by the negative impact.	See appraisal
Requests that the efficacy of the proposal be considered and that any decision is morally, ethically and environmentally right.	See appraisal section B
At the second Essex & Southend Waste Local Plan Public Inquiry in November 1999 ECC were very much in favour of development – despite objections re air quality being affected by the level of dioxin (a cancer causing agent) and the increased traffic levels on the already crowded A120, in addition to the approved mineral site at Bradwell	See appraisal section B
Not 'green' as about half a million tonnes of carbon dioxide will be released into the atmosphere every year.	See appraisal section B
<b>HIGHWAYS &amp; ACCESS</b>	
Proposal will result in detrimental changes in the locality – particularly from traffic.	See appraisal section D
Insufficient information on additional traffic movements to the A120.	No additional HGV traffic movements are proposed and movements are limited by condition
Objects on heavy traffic increase.	See above
The A120 is already overloaded with traffic, particularly heavy haulage and other commercial traffic.	See above
Increased traffic would prevent residents from accessing work, school, towns and villages safely and without stress and encumbrance.	See above
Object to the proposed increase in incinerator capacity by 65% and consequent need to export ash by road.	See above
Increased accidents at Coggeshall to Earls Colne crossing on A120.	See above
Potential for deadlock on roads when proposed housing is completed.	See above
Excludes van usage of roads from internet ordering.	See above
The B1018 is already a very busy and noisy road from 4:30am to 7:30pm – proposed increase in traffic will have a detrimental effect on the surrounding roads and rural environment.	See above
A120 often closed due to accidents, diverting traffic through Coggeshall, Feering, Kelvedon, Bradwell and Silver End.	See appraisal section D
Potential for increased levels of HGV movements affecting Witham	See appraisal section D
Review required of the suitability of the A120 to cope with the additional vehicle movements proposed given the state of the A120 with high levels of congestion and dangerous driving conditions.	See appraisal section D
Disruptive waste wagons running through village constantly.	See appraisal section D
Combined effect of proposal and ESS/24/15/BTE (gravel extraction) will result in overloading of the A120 and other roads in the area.	See appraisal section D
Galleys Corner roundabout will be permanently busy.	See appraisal section D

Queries how lorries will access the site when the A120 blocked due to accidents or roadwork.	
Waste transfer at Cordons Farm has resulted in a witnessed increase in HGVs that travel in and out of the village and at Galleys roundabout. Observed driving along the B1018, down Polecat Road and through Cressing village and the conservation area - particularly if the A120/Galleys roundabout is congested.	A routing agreement is in place through the legal agreement.
Concerned that even more HGVs will travel through the village to reach or leave the site, particularly when there is an accident on the A120, and use the same route through Cressing and Lanham Green Road to cut through to Bradwell.	See above
Lorries will use Woodhouse Lane	See appraisal section D
Roads are already busy due to the extra traffic from the nearby mineral extraction plant.	HGV movements are limited for both the quarry & the IWMF
The infrastructure needs to be in place for such a large scale development. Duelling of A120 required.	See appraisal section D
Local B roads are inadequate.	Access is only permitted via the access on the A120
One reason planning permission was refused by the Minister of State in 1995 for the Rivenhall site was the unsuitability of the A120 for the extra heavy traffic.	The Inspector did not raise significant highway concerns with respect to A120 in relation to this application at the Public Inquiry in 2009
Traffic lights required at the junction due to lorries pulling out.	The Highways England has raised no objection to the existing access arrangements.
Laybys required on A120 to allow lorries to pull off to allow emergency vehicles to pass.	The Highways England has raised no objection with respect to use of the A120
Queries contingencies when A120 is blocked.	No specific contingencies, Police would deal as appropriate
Transport studies need to be revisited.	Highways England has not required a reassessment
Requests condition re alternative fuels for partners.	Not something that can be controlled through planning conditions
Vehicles trying to access the Airfield will try to use quiet, bendy country lanes that are not suitable for long vehicles, increasing the risk of traffic incidents, noise and exhaust pollution for local residents.	Current IWMF permission is subject to routing agreement which if approved would be carried forward.
<b>EMISSIONS &amp; HEALTH IMPACTS</b>	
Increase in lorry movements which will add further pollution.	No additional traffic movements are proposed as part of this variation application.
Proximity to residents.	See appraisal section C & J
A bigger throughput of waste to be burnt will mean increased pollution from the incinerator.	See appraisal section C
Submitted reports relate to previous matter and do not take into account increase in capacity and pollution.	See appraisal section C
Air pollution will rise in a rural area which is not acceptable for people who live and work locally.	See appraisal – section C
Objection on the grounds of social and historical impact. Sulphur dioxide (bad eggs) will be smell in the local communities and does not reflect the current understanding and awareness of environmental issues and concerns.	See appraisal section C
Air pollution will damage to homes and many	See appraisal section C

important buildings, due to acid rain. Much of Coggeshall is listed.	
Requests that conclusions arising from Environment Agency public consultation of December 2015 re Environmental Permit should be in considered in determination of planning application.	See appraisal section C
Objection on the grounds of planning detail. Detail provided not in accordance with RIBA design detail requirements. Therefore, high risk approach commercially, technically, environmentally and from a human health perspective – uncertainty re what you are getting, how it will work, to what standards and with what technology.	See appraisal section C
Continuous monitoring statistics required by EA before permit is issued. In this regard, regulatory departments/agencies and industry have been found lacking.	This is a matter for Environment Agency. See appraisal section C
Proposed that pollution plume will be “within legal limits”. However, it is an indisputable fact that pollution levels will rise in largely a rural area with currently with good air quality.	See appraisal section C
Filters will not stop all pollutants –including heavy metals, gases, particulates and chemicals such as dioxins.	See appraisal section C
Proposed 35m stack is likely to be much higher.	See appraisal section C
Notwithstanding wind direction, communities for 5-10+ miles in all directions are at risk of being affected.	See appraisal section C
Effects of long term exposure to incinerator emissions are controversial. Queries why a condition that pollution monitoring should be set up in nearby communities was turned down as it resulted in there being no regular “real world” monitoring in the wider area subject to the plume.	See appraisal section C
ECC must not allow commencement without appropriate input/licencing from EA – particularly re the height of the chimney.	The WPA does not have powers to prevent implementation prior to an Environmental Permit being in place
Concerns regarding pollutants – the accumulation in the environment and inhalation by humans. Increased amount and types of waste will increase pollutants.	See appraisal – section C
Queries whether pollutants should be monitored by a third party.	These are matters that would be controlled by the Environmental Permit administered
At the proposed 595,000 tonnes per annum, the Rivenhall Airfield incinerator would be one of the largest in England – queries re stack height. Proposed 35m high, yet a smaller capacity incinerator at Ipswich was required by the Environment Agency to have a 81.5m stack.	See appraisal section C
Increased infant mortality.	See appraisal section C
Significantly environmental impact due to increase in emissions and traffic.	See appraisal section C
Proposal will result in contamination of surrounding farmland.	See appraisal section C
Toxic and harmful gases released, potentially affecting Braintree and farmland.	See appraisal section C
Disappointed that it is still a consideration to burn potentially harmful substances and that the Environment Agency is not opposed to it.	See appraisal section C
ECC will be liable for medical problems as ECC is	See appraisal section C



wholly responsible for the health of this county.	
The risk of dangerous pollution resulting from the burner is serious unless the burner is working at full capacity 24 hours a day, year round.	Control of emissions would be through an Environmental Permit administered by the Environment Agency
Risk to local flora and fauna from pollution.	See above
Stack height still unknown.	See appraisal section C
Evidence that the proposal would cause illness.	See appraisal section C
Proposal would affect asthmatics, children, elderly and disabled.	See appraisal section C
Harmful gases of Butadiene, Benzene, Sulphur Dioxide and Cadmium will be emitted. These are especially harmful to the surrounding arable land.	See appraisal section C
Butadiene is a recognised as a carcinogen which can affect many organs in the human body.	See appraisal section C
Benzene is a carcinogen, especially in relation to anaemia and leukaemia.	See appraisal section C
Sulphur Dioxide causes breathing problems and acid rain which will affect historic buildings.	See appraisal section C
Cadmium contaminates crops and consumers.	See appraisal section C
No documented evidence of concentration and contamination levels at the edges of the research area.	See appraisal section C
Modelling shows dispersal towards Coggeshall. However, the equipment that detects and senses the output of gases are mainly not in the direction of the prevailing winds (towards Coggeshall) so a true reading of a populated area has not been gained.	See appraisal section C
Coggeshall is in a 'dip' so contamination will linger.	See appraisal section C
Contamination will impact on Coggeshall schools and surrounding households.	See appraisal section C
Any health risk is not acceptable especially where children are concerned.	See appraisal section C
The Emission Limit Value (ELV) levels are at the maximum – no leeway for human error.	See appraisal section C
Not enough evidence to prove that the surrounding area will be unaffected.	See appraisal section C
Essex County Council should be looking after the children of the future and their health.	See appraisal section C
Will affect Coggeshall and surrounding villages as the prevailing winds will drift over depositing dioxins and particulates.	See appraisal section C
Wind generally blows from the west – any gasses will blow over a densely populated residential area.	See appraisal section C
Effect of the gasses on the local farmland (mainly used for arable) and wildlife needs to be addressed.	See appraisal section C
Little information relating to environmental standards and best practices.	See appraisal section C
Inconsistencies in air quality documents and no supporting data re pollution levels key sites.	See appraisal section C
Applicant will manage compliance with permitted levels of pollution by trading its various allowances across other incinerators it owns – therefore no guarantee that air quality will be acceptable.	The is matter for Environment Agency
Massive increase in the size of the proposed incinerator, yet only a minimal increase in the emissions proposed.	See appraisal section C
Further investigation required.	See appraisal section C
Air pollution and gases that will affect surrounding area	See appraisal section C

Concerns regarding the effect of the proposal on the woodlands and wildlife.	See appraisal section C
Potential for human health risk from pollutants such as cadmium, benzene and nitrous oxide.	See appraisal section C
Application states that the design is at the RIBA detailed design stage, yet information submitted indicates that it is not the case. For example, no information relating to filtration or how the output emission requirements can be met.	See appraisal section C
Proposal is totally inappropriate in an area that is used for farming and the growing of food crops due to the health risks associated with pollutants.	See appraisal section C
Proposal will pollute the entire site for hundreds of years.	See appraisal section C
Pollution will cause acid rain.	See appraisal section C
Emissions of sulphurous compounds such as sulphur dioxide are noxious and, particularly in still weather conditions, cause respiratory distress.	See appraisal section C
Objection on the grounds of health risk. Significant Human health risk due to lack of detail, which results real in uncertainty surrounding the emissions from the plant. The human health risk assessment excludes a number of pathways and must consider the impact on the surrounding arable land – it is based on the original 2008/10 documentation. GF group ELV suggesting that trading of ELV values between Rivenhall and other better or less polluting plants/facilities will occur – further jeopardising the accuracy of the health risk assessment as the data is provided at 100% ELV with no headroom.	See appraisal section C
Objection on the grounds of air quality. Changes in air quality and gas dispersions a result of the proposal. Only modelled 5 of the emissions (gas dispersion) – a need for more extended determination of the air quality with respect to the chemical outputs especially with respect to Dioxins. No technical information or reference standards demonstrating how the applicant intends to achieve or exceed any of their air quality objectives.	See appraisal section C
Objection on the grounds of plant waste. Application does not contain any information or detail as to how the highly contaminated waste from the incinerator known as Incinerator Bottom Ash or Bottom fillings will be processed and disposed of.	This material would be exported from the site and disposed at a suitable licenced facility.
Vital that emissions from the stack are permanently within the approved range – this will not be achieved with a stack height of 35 metres.	See appraisal section C
Queries why a 35 metre stack at Rivenhall (largest in Europe) would be of sufficient height for the safe dispersal of emissions when other stacks are at least twice that height.	See appraisal section C
When, where and amount of fallout would depend on weather conditions on any given day.	See appraisal section C
Emissions should be constantly monitored and results freely available in real time on the internet.	See appraisal section C
Historic data or inspection is of no use if damage has already been done to local people, crops and the local environment.	See appraisal section C

The time lapse in shutting down the incinerator and the possibility of higher levels of toxins being emitted makes constant monitoring essential.	See appraisal section C
Queries provisions to alert the public to a disaster and commence evacuation.	See appraisal section C
Application materials relate to visible plume abatement and visible plume analysis. While preference would be no emissions from the plant – most important that there should be no significant output of pollutants or toxins. Visibility is of secondary importance.	The plume management is to minimise visual impact and a matter from the WPA. Emissions are a matter for the Environment Agency.
Uranium, explosives and ammunition have been recently discovered at a Hampshire County Council Waste Site. Rivenhall site will have no radioactivity detection equipment to detect raised levels of radiation – caused by genuine mistakes through to criminality to terrorism.	Matter for control through the Environmental Permit administered by the Environment Agency
Radioactivity is not significantly reduced by the incineration process – risking damage to the surrounding area for many years to come (eg Chernobyl contamination in Wales).	See above
Requests inclusion of radioactivity detection equipment through which each incoming truck would have to pass.	See above
No confidence that plant can prevent toxins, pollutants and dangerous materials from endangering the wellbeing of the public.	See appraisal section C
Damage to local ecological systems.	See appraisal section C
The fallout or plume from the chimney stack and its height have not been researched and proven to be safe.	See appraisal section C
There is a lack of Human Health Risk Assessments relating to the impact of the emissions throughout the food chain – essential as most of the emissions will be over arable land.	See appraisal section C
Human health impacts not independently tested.	See appraisal section C
No incinerator operator can 100% guarantee all of the waste types suit the set criteria and more importantly they cannot guarantee that the waste emissions will not be harmful – as shown by historical examples.	See appraisal section C
Emissions will result in strain on surgeries and hospitals in the local area.	See appraisal section C
Concerned re health risk from a site handling potentially toxic waste materials.	See appraisal section C
Pollution of farmland that could consign food products to be considered unfit for human consumption, resulting in damage claims.	See appraisal section C
Air pollution is likely to be greater due to the amount of unknown material being burnt.	See appraisal section C
Proposal retains the original 35m high stack, but now intends to burn a significantly larger amount of waste, including commercial and industrial waste	See appraisal section C
Asthma and breathing problems are linked to air pollution.	See appraisal section C
Increased levels of pollution affecting Witham residents	See appraisal section C
Radioactivity is not significantly reduced by the incineration process and a large proportion of it could be exhausted from the stack, risking damage to the	See appraisal section C

surrounding area potentially for many years.	
Concerns re submission to the EA re ultrafine particulates.	See appraisal section C
The nearest/fairly new GT Blakeney (Suffolk) site doesn't go into details re the particulates. Only the last 90 days on their website. This monitoring is not helpful.	See appraisal section C
Monitoring does make clear is that particulates measurements for both their "lines" are shown between 0 and 2 sometimes higher – the levels which are particularly dangerous as they have larger surface areas and "attract" more pollutants to attach to them.	See appraisal section C
Ultrafine particulates when combined in the stack with other pollutants need close attention. Applicant needs to comment on the real problem of ultrafine particulates – particularly re lungs, blood stream and other organs.	See appraisal section C
Examples of the effects of ultrafine particulates from other places around the world.	See appraisal section C
Concerns re effect of ultrafine particulates on health.	See appraisal section C
Requests that applicant pay for/monitor air and soil outside application area. Details to be made publically available.	See appraisal section C
Higher stack not wanted, but required for dispersal.	See appraisal section C
Backup systems required in case of failure.	See appraisal section C
Robust monitoring required.	See appraisal section C
Off-site monitoring required.	See appraisal section C
Queries whether applicant proposes real "state of the art" monitoring re ultrafine particles.	See appraisal section C
Stack emissions could drop on Tiptree ridge and the low hills of Wickham Bishops.	See appraisal section C
Heavy metals attach to ultrafine particulates.	See appraisal section C
Time lag in science re action/monitoring/abatement.	See appraisal section C
Public Health England is looking up to 15kms from incinerators re effects on health – 20kms required.	See appraisal section C
Accurate assessment of background levels required before development.	See appraisal section C
Queries proposal re Clean Air Zones and effects on the health of residents.	See appraisal section C
Top of stack monitoring required.	See appraisal section C
Tens of thousands of people live nearby.	See appraisal section C
Concerns re fire and explosions in dry conditions.	See appraisal section C
Concerns re bottom ash.	See appraisal section C
Concerns re hazardous nature of final waste products - fly ash and burnt metal attached to the ultrafine particulates.	See appraisal section C
Not clear how much pollution from the plume will blow towards Cressing or dispersion model does not reflect the actual landscape surrounding the site - there are tall trees, a quarry and farming land in the vicinity, plus roof shape of the proposed building.	See appraisal section C
Concerned that there are pollutants listed as moderate adverse. Should be treating all its pollution, not simply discharging them into the atmosphere.	See appraisal section C
<b>OTHER ENVIRONMENTAL IMPACTS</b>	
Destruction of woodland and other habitats of known protected and listed species	See appraisal section H
Applicant proposes to extract local water. Queries	See appraisal section F

how is ECC/Braintree DC with that element of the proposal.	
The developer has been given more than enough time.	See appraisal section M
Objection on the grounds of existing and proposed planning. Application has not been considered in conjunction with the intended gravel extraction and combined impact on the local transport infrastructure. Application has not been considered in connection with the requirements for new housing in the surrounding area and the wider impact of the emissions on these proposals.	The EIA has considered cumulative impacts, see appraisal section K
Another amendment to the permission that went to a Public Enquiry. Queries whether the Public Enquiry findings, restrictions etc. are still being adhered to and whether Public Enquiry findings can be ignored by way of subsequent planning applications.	See appraisal
Concerned at the proposal to both extract water from the river Blackwater and discharge effluent into it - not something that can be decided as a section73 application.	Discharge into the river does not form part of the proposals.
The Inspector to the 2009 Inquiry, whose report informed the Secretary of State decision in March 2010 to grant planning permission clearly stated that use of water from outside the plant would be "minimal" as water would be derived largely from internal recycling and rainwater. Now not the case - no way of knowing whether that original planning permission would have been granted had all the current facts been before the Secretary of State. Blatant conflict with the Environmental Permit application now before the Agency – which specifically ruled out discharge to the River Blackwater.	See appraisal section F
<b>GENERAL</b>	
Development will depreciate property and suppress the area.	Property values are no a planning matter
Amendment/removal of stack height condition will remove any protection for the local community. With the limited information contained within the submission, there is no possibility of the stack being designed at this stage and therefore no means of verifying any information as to sight lines etc.	The height restriction on the stack is not to be removed
Money is primate consideration. Big companies who have no consideration for community.	Consideration of profits is not a planning matter.
Queries whether permission can be granted without being able to approve the design of the stack and sight lines.	The stack height is known and details submitted with respect to its visual appearance.
Concerns regarding the security of the plant and its potential vulnerability to hostile acts (terrorism, dumping etc.)	The site is to be fenced and the operator would be responsible for on site security
Intake material will be checked intermittently to ensure that it only consists of approved materials, but no mention of any radioactivity detection equipment (eg. Geiger counter) to detect levels of radiation.	Control of waste types is a matter controlled through the Environmental Permit
Concerns re 24/7 operation of the plant when built.	The noise and light impacts of the proposal have been considered and hours of operation for arrival of

	vehicles are subject to control by condition
Council should consider the wishes and health of the community they have been elected to serve, not corporate giants with no regard for the people of the area or the environment.	Each application is considered on its individual planning merits
If the plant became unused, the result would be mountains of waste, for which no one has responsibility, resulting in fire, pollution and health hazard.	The site would be subject to an Environmental Permit & monitoring by the EA
Queries how facility will be monitored and controlled re pollution.	See above
Once in place, there will be inevitable scaling-up of the site operation.	Any increase in HGV movements or total annual inputs would need to be subject of a further planning application.
Queries the applicant's business capabilities.	This is not a planning matter
Queries commercial arrangements with the ECC and whether proposal has already cost the public money.	The WPA has no involvement in the procurement of waste contracts.
Queries ECC stake in the proposal.	See above
Queries planned decommissioning arrangements.	These would be addressed through the Permit and future planning applications
Energy From Waste not going into national grid and who will be using & benefiting from it.	Electricity would be exported to the National Grid and some energy used on site.
Queries company structure.	Not a land use planning matter
Proposal will impact on quality of life.	See appraisal
The original proposal was that the use of water from outside of the site would be minimal, as it would come from internal recycling and rainwater. This fundamental change will require a new permit from the Environment Agency and assuming it is agreed, will set the project back at least 7 months.	See appraisal section F
<b>LANDSCAPE &amp; AMENITY</b>	
Farmland already in decline due to residential property construction.	The impact of loss of farmland was assessed as part of the EIA of the original application and found not to be significant
Imperative to protect open countryside and prime farm land.	See above and see appraisal section G
Destruction of farmland.	See above
Size of the stack is still unknown and will be an eyesore on the countryside.	See appraisal section C
Area is popular for cycling due to unspoilt countryside.	See appraisal section G
Proposal should not be near residential areas.	See appraisal section B
Area is very popular with the residents of the local area for recreation (walking, cycling, running, horse riding etc.), but the fear of pollution would stop many people from enjoying their leisure pursuits	See appraisal section C
Beautiful rural area should be preserved for present and future residents.	See appraisal section G
Habitats of protected species in the woodlands will be destroyed.	See appraisal section H
Proposal will turn a rural environment into a heavy industrial area.	See appraisal section G
Incinerator will be visible from a distance.	See appraisal section G
Eyesore into the local landscape	See appraisal section G

Objects to increased noise.	See appraisal section J
Objects to increased diesel fumes.	See appraisal section C
Concerns regarding the effect of the proposal on the landscape.	See appraisal section G
Proposal will create both noise and light pollution.	See appraisal section J
Large chimneys not in keeping with the countryside surroundings.	See appraisal section G
Concerns regarding the threat to the rural location and tranquillity.	See appraisal section G
Will effect enjoyment of footpaths.	See appraisal section G and E
The stack, and its associated plume, will be unacceptably high, very visible and obtrusive.	See appraisal section G
Objection on the grounds of plume visibility. Condition that no plume should be visible - documentation states that the plume will be visible for a given number of days per year.	See appraisal section G
Reserves of waste on site would be detrimental to a healthy standard of living for locals - odours, flies, seagulls, germs and vermin would prevail.	Site would be subject to an Environmental permit
The development is in the countryside, not a 'brownfield site' as claimed	See appraisal sections A and G
Significant light and noise pollution in a very quiet and naturally dark part of the countryside.	See appraisal sections J and H
The local area is already subject to many planning consents, which will result in more Greenland being lost to housing. The population of Essex is due to grow even further over the coming years so for Essex County Council to consider this planning application is a dereliction of responsibilities to the residents of North Essex.	See appraisal
Council are intent on further destroying the countryside with no consideration of the beauty, historical interest, value of the area, residents.	See sections G I and J
Ecological and environment reasons for positioning such a facility in the middle of the countryside have not been considered	See sections A, H and G
Industrial unit would be completely out of proportion to any other in the rural area.	See appraisal section G
Impact on footpaths, building damage and an unsightly 35 metre tall chimney will effect tourism thereby reducing the income to many local businesses.	See appraisal section G
Blighting of a hilltop location that will be visible for many miles around.	See appraisal section G
Chimney stack will totally destroy the overall architectural beauty of the area.	See appraisal section G
Proposal is not in the best interests of the residents of the area and will have a detrimental effect on the Essex Countryside.	See appraisal section G
<b>HISTORIC</b>	
Adjacent to Conservation Area	The Inspector in 2009 didn't consider there was adverse impact on the CA
Proposal would make the conservation area pointless.	See above
Acid rain will be particularly damaging to the timber framed heritage houses in Coggeshall and other villages.	Emissions would controlled by the EA
Listed buildings at Woodhouse Farm and in other local area will be at a high risk of damage from acid	See above

rain	
Proposal will adversely affect the environment and the heritage of Coggeshall.	See above
Prepared to sacrifice the heritage of villages and small towns, like Coggeshall, without any thought for the future or residents.	See appraisal
Concerned re effects on the heritage and environment of the local area.	See appraisal sections G and I
Coggeshall is a historic village dependent on tourism, which will be adversely affected by the proposal.	See appraisal
Visible stacks blighting an historic Essex town.	See appraisal section G
<b>CUMULATIVE IMPACT</b>	
Amendment is not being considered in conjunction with the nearby gravel extraction.	See appraisal section K
No allowance made in air quality/gas dispersal models for vehicle movements associated with this proposed amendment and gravel extraction.	No increase in vehicle numbers are proposed above those already permitted.
Pollution and particulate output from both sets of vehicle movements needs to be considered in the models	See above
Obvious flaws in the models submitted with the application. For example, vehicle movements and those not associated with the local gravel extraction are not considered in the air quality models.	See above



**Heads of terms for legal obligations as set out in April 2009 Committee Report**

- a. Ensuring that no excavation works take place on the site under this permission until the applicant has provided evidence to demonstrate their intention to substantially commence the construction of the waste management facility.
- b. Ensuring the market de-ink paper plant shall only be operated as an ancillary facility to the waste management facility.
- c. Setting up of an index linked fund of £(to be confirmed) to provide for the implementation of traffic management measures for the existing A 120 when no longer a Trunk Road.
- d. Provision and implementation of:
  - improvements to crossover points with Church Road and Ash Lane as indicated within the application;
  - a traffic routeing management system should HGV drivers be found to be using non County/Urban distributor roads between the A12 and A120 Trunk Roads;
  - funding for the installation of permanent information signs to direct HGV drivers to suitable County/Urban distributor roads to access the waste management facility via the A 120.
  - monitoring and mitigation programme at 1 and 5 years from first beneficial occupation of the waste management facility, traffic capacity of the Church Road-Ash lane access road link to determine whether there is evidence of conflict with vehicles using the public highway at the crossover points and if found then install additional passing places or widen the access road to facilitate two way traffic and/or improved traffic management at the crossing.
- e. No development until submission of ground water monitoring scheme for outside the boundaries of the site.
- f. Setting up and meeting the reasonable expenses and administration of a Liaison Group to hold regular meetings.
- g. Funding a level 3 survey in accordance with RCHME standards of all airfield buildings and structure prior to commencement of the development and fully funded presentation of the findings within the Heritage/Visitor Centre

- h. Reinstatement and refurbishment of the Woodhouse Farm complex a funded and managed heritage facility.
- i. Educational areas of the Woodhouse Farm complex being available outside of normal working hours to local parish councils or other identified local community groups to be agreed with the Liaison Group.
- j. To submit details of the proposed planting and bunding and maintenance of such and to implement the approved details in the first available planting season following issuing the planning permission. These planting and bunding works not to constitute the commencement of development.
- k. Provision of fully funded management plan to secure the regular maintenance/replacement as required of all existing and proposed planting and ecological management plan for habitats for the site from commencement until 20 years after the first beneficial occupation of the waste management facility.

**APPRAISAL OF ENVIRONMENTAL STATEMENT**

Planning Application ESS/34/15/BTE:

**Environmental Impact Assessment (EIA)**

An Environmental Statement (ES) was been submitted with the original application (ESS/37/08/BTE) in 2008. This ES was updated by additional Information required by the WPA under Regulation 19 of then EIA Regulations.

The matters addressed by the original ES are set out below:

- Land use and Contaminated Land
- Water Resources
- Ecological risk assessment
- Landscape and Visual Impact
- Cultural Heritage
- Travel and Transport
- Air Quality
- Noise and Vibration
- Social and Community Issues
- Nuisances
- Human Health Risk Assessment

An appraisal of the ES supported the April 2009 Development & Regulation Committee Report upon which a resolution was made by the Committee, but the matter was Called In for determination by the Secretary of State.

An Addendum ES was submitted prior to the Public Inquiry and additional information submitted during the Public Inquiry to support the ES. All the ES documents were taken into consideration by the Inspector when considering the original application at the Public Inquiry in 2009.

An update to this original set of ES documents was provided with planning applications ESS/44/14/BTE and ESS/55/14/BTE. The matters covered by the update included consideration of the following:

Land use and contaminated land  
Ecology  
Ground and surface water  
Landscape & Visual Amenity  
Archaeology & Cultural Heritage  
Air quality  
Noise  
Cumulative impacts

The current application (ESS/34/15/BTE) has been supported by all of the previous EIA information, and is also supported by a review of all the matters previously

considered to assess whether as a result of the proposed amendments further reassessment of the impacts were required.

The Planning Inspectorate in considering the appeal against the decision of the WPA to grant planning permission for a two year rather than one year extension, requested further EIA information to support the appeal during the course of the determination of the current application.

The Planning Inspectorate requested the further information to address the following matters:

- An updated and comprehensive assessment of the environmental baseline applicable to the entirety of the proposed development.
- A cumulative Impact Assessment taking account of all reasonable foreseeable developments, including the adjacent mineral workings and the potential connection to the National Grid

As this information requested by the Planning Inspectorate is also relevant to the current application, the further EIA information was also required by the WPA to be submitted to support the current planning application.

The assessment of the ES below is based on the update of the ES provided with the current application and the further information submitted to the Planning Inspectorate and considers the following subject matters:

- Land use and Contaminated Land
- Water Resources
- Ecological risk assessment
- Landscape and Visual Impact
- Cultural Heritage
- Travel and Transport
- Air Quality
- Noise
- Social and Community Issues
- Nuisances
- Human Health Risk Assessment
- Cumulative Impacts

The EIA process looks at each of the impacts in turn to assess the potential impact on the natural and built environment and considers, where necessary, the mitigation measures needed to reduce and minimise the potential impact of the proposed amendments.

## **EIA SUMMARY AND RECOMMENDATIONS**

The following provides a summary of the significant effects that could potentially arise as a result of the proposed amendments to the integrated waste management facility

## **Land Use and Contaminated Land**

The planning area remains unchanged, such that no new land is affected by the proposals i.e. no additional agricultural land would be lost than that required under the original scheme and assessed not to result in adverse impact. The majority of the IWMF site has now been worked for mineral such that the ground levels have now changed.

In working the area no areas of contamination have been found. Existing planning condition 25 requires details with respect to dealing with contamination and would be re-imposed if planning permission were granted.

Condition 24 ensures soils are handled and stored appropriately and put to a sustainable use.

### Comment

There would appear to be no additional issues that require mitigation arising from the amendments and protection from contamination and protection of soil resources is addressed through existing conditions.

## **Water Resources**

The general hydrological setting surrounding the site remains unchanged. The chalk aquifer is confined below the London Clay. The sand and gravels within the site and surrounding the site contain some ground water.

The extraction of sand and gravels within the site and in front of the site means there is a modification of ground conditions at the front of site such that ground levels are on London clay as opposed to unexcavated and permeable layer of sand and gravel.

The replacement of retaining walls with excavated slopes and soil nail walls would have a positive effect on earth and water retention next to existing trees.

Surface water & flood risk assessment – The flood risk as part of the original proposal was considered “low”, the minor modifications to layout of the site and review of flood mapping would indicate the risk remains “low”.

The area of buildings and hardsurfacing is slightly less than the original proposals and the elevation of the access road has changed slightly. It was concluded these would have an insignificant effect on the surface water drainage. As the facility is below ground it is necessary that adequate storm drain capacity is included in the development and the assessment concluded the proposed arrangements would be adequate, including the amended lagoons. The detail of surface water management have been submitted under condition 23 and have been subject of consultation with the Lead Local Flood Authority who have raised no objection.

Groundwater – the volume of ground water to be encountered within the site was considered small in comparison with surface water and could be accommodated within the existing surface water management system.

Comment: The assessment indicated there would be no new issues and that the existing conditions would ensure the required mitigation was delivered.

### **Ecology**

The ecological impacts have been reassessed utilising information submitted with respect to subsequent applications for quarry sites A2 and A3 and A4 and information submitted previously to discharge ecological conditions (53 – ecological survey update) and 54 (Habitat Management Plan). The re-assessment considered the impacts of the reduced building footprint and the change to excavated slopes and soil nail walls. It was concluded there would be overall positive benefit. A 5m strip of the existing TPO woodland would be retained and the slope walls would provide areas for additional planting, biodiverse concrete slopes (rather than being placed on the roof of the building) and reducing impacts of dewatering of existing trees.

Comment: The information is contained within many different documents, but together provides an adequate assessment of the ecological impacts, and shows an overall positive impact arising from the proposed amendments. Ecological mitigation would be secured through the existing conditions and obligations.

### **Landscape & Visual Impact**

The landscape and visual impact assessment has taken account of the reduced building footprint, the switch from vertical and soil nail walls and the minor relocation of the CHP Stack.

The landscape assessment acknowledges that since the original application Hangar No. 2 has been removed, along with other ancillary airfield buildings and woody vegetation, arable land and hard surfaces of the former airfield. Also that area A2 has been worked for mineral and currently under restoration and sites A3 and A4 are now being extracted for mineral. The restoration scheme for the quarry workings has been designed to be in sympathy with the landscape mitigation required for the IWMMF.

The landscape character of the area was assessed as Good to Ordinary under the 2008 Landscape and Visual Impact Assessment and although the assessment has not changed upon completion of restoration of the mineral workings with associated planting it is anticipated this would improve in the long-term.

Visual receptors, the visual receptors are considered not to have changed except intervening quarry works in site A3 and A4 are now taking place between some of the receptors and the application site.

Landscape impact was considered in the context of the historical landscape and the current disturbed landscape. The airfield past use was assessed as having an industrial influence on the landscape character and is able to accept a large degree of change and it was assessed the amended IWMMF would be the next progression in this change.

The amendment to the IWMMF allows retention of some existing woodland, enabling a 30m belt rather than 25m to be remain including a 5m strip of the TPO woodland to

the south. The excavated walls and soil nail walls would provide a greater offset to existing woodland.

It was assessed that the original view that the short-term impact on landscape would be minor adverse and while the changes would provide some improvement the assessment is not changed. Similarly the long-term impacts are still assessed as negligible.

Visual Impact – The proposed changes were considered to have any no marked change on the visual impacts. The change in location of the CHP stack it was considered would be barely perceptible.

The objectives and location of mitigation are not required to change as a result of the amendments to the IWMF. The area of woodland scrub has increased from 2.2 ha to 3ha with a further 1.3ha south of the site. Hedgerow linear metres have been increased from 350m to 530 including those proposed around the Education/Visitor car park.

The design of the building remains largely the same, the colours of cladding have been slightly amended, but would be predominantly dark and colours graded up its elevation to reduce the overall impression.

The proposed green roof sedum blanket rather than the part crushed concrete substrate covering was considered would improve mitigation in the wider landscape.

Comments: The assessment has taken into consideration the changes in landscape since the initial assessment and the proposed amendments and assessed the overall impact would not be dissimilar to those previously assessed. The details of landscaping (planting & protection condition 57 & 59), stack details & materials (condition 14) and details of the green roof (condition 18) are all required to be submitted by condition.

### **Cultural Heritage**

With respect to archaeology the majority of the site has already been subject of archaeological investigation as part of mineral extraction and a programme of investigation is required for the remaining areas (condition 10). These would be unaffected by the proposed amendments. The airfield buildings removed prior to extraction were also subject of historical survey prior to demolition.

Woodhouse Farm and complex are as part of the proposals to be refurbished and this would be unchanged by the proposed amendments. Historical recording is required prior to any works to the listed buildings (condition 64). Condition 13 required details of lighting, signing and telecommunications to be submitted for Woodhouse Farm.

The slight reposition of the CHP stack has been assessed as having no greater impact than that considered previously and is mitigated by the proposed mirror finish reflecting the surrounding environment.

Comment: No specialist advice has been sought with respect to the historic environment. However, the proposed amendments are minimal with respect to their impacts on the historic environment and existing conditions and obligations would provide adequate mitigation.

### **Travel & Transport**

The changes in the capacities of the different elements of the IWMMF and the likely exports arising from the amendment proposals have been assessed to demonstrate that the existing HGV limits would not be exceeded.

It has been assessed that even with the decrease in bio-waste, paper waste and LACW/C&I and increase in RDF and export of paper sludges and additional ashes the predicted vehicle movements would be within the permitted maximum vehicle movements.

It was noted that the total staff numbers are likely to increase, but that the number on site at any one time would not increase due to split shifts. Reassessment of staff vehicles was not considered necessary due to change over times not coinciding with peak flows.

Comment: As HGV movements have been demonstrated to be within existing limits there are no additional impacts, and no additional mitigation is necessary over and above that provided by the existing conditions and legal obligations.

### **Air Quality**

An updated assessment of air quality effects and dispersion modelling assessment has been undertaken taking account the proposed changes.

The assessment shows that the concentrations arising from the process contribution for the amended IWMMF would not cause an exceedance of the AQAL for any pollutant. AQAL is a comparison with Air Quality Objectives and Environmental Assessment levels. The only exceedance is for PAH (Polycyclic aromatic hydrocarbon) and this is due to existing base levels. The dispersion modelling indicates that the proposed amended facility would not have a significant impact on local air quality, the general population or the local community.

Comment: The assessment would indicate that there are no major concerns with respect to air quality that would give cause for concern at the planning stage. However, the assessment and control of emissions is a matter for consideration and control through the Environmental Permit administered by the Environment Agency.

### **Noise**

The noise levels arising from the proposed IWMMF have been re-assessed taking account of the proposed amendments. It was concluded that the amended IWMMF would be operated within the existing permitted maximum daytime and night-time limits.

Comment: As plant within the IWMMF is to be approved at a later stage further reassessment would be required and should also take into account the change in the slopes surrounding the facility.



## **Social and Community Issues**

No positive or negative social or community issues were identified as arising from the amendments to the IWMF. It is noted that the operators have offered that the role of education/waste minimisation officer would be provided at the facility.

## **Nuisances**

No additional nuisance impacts were identified arising from the IMWF proposed amendments. A summary was provided of the proposed operational practices with respect to dust, bio-aerosols, litter, insects, vermin and litter, light pollution,

Comment: No additional mitigation over and above existing conditions is considered necessary.

## **Human Health Risk Assessment**

The updated assessment considers the amendments to the IWMF including the increase capacity of the CHP facility.

The health risk assessment considered the various pathways through which an impact could arise, including through inhalation, ingestion of soil, water, home grown vegetables, animals and milk and breast milk. The most likely pathway was considered to be direct inhalation.

For all pollutants the TDI (Tolerable Daily Intake) and MDI (maximum daily intake) were not exceeded except for cadmium and chromium ingested by children. With respect to cadmium level this was 139.51% of the maximum input, but the IWMF only contributed 0.62% to this level. Similarly the contribution to chromium by the IWMF was only 1.1%. It was not considered these contributions would increase health risks from these pollutants. Overall it was concluded these would not result in appreciable health risks resulting from operation of the amended IWMF.

Comment: The assessment does not raise significant concerns at the planning application stage. These matters would be considered in more detail as part of the consideration of the Environmental Permit by the Environment Agency.

## **Cumulative Impacts**

Consideration has been given to the cumulative impacts of other development namely adjacent mineral extraction and development associated with the IWMF such as the electric cable that would be required to link the facility to the National Grid and the water pipework required to link the site to the water abstraction point on the River Blackwater and if progressed the alternative water abstraction and discharge arrangements. In addition the intention to retain overburden from within the IWMF in temporary storage prior to use in restoration of the adjacent mineral working. This would also require a temporary lagoon to store water during the works.

With respect to these other developments, the following additional impacts have been noted

Heritage – no direct on heritage assets, but temporary impacts on setting during the installation phase of the cable. The electricity cable would also follow the route of a Protected Lane, but working practices could be adopted to minimise the impact.

Landscape – Potential loss of small sections of hedgerow amounting to 50m of hedgerow and short-term visual impacts from installation of the electric cable and pipework. Mitigation through replacement of the hedgerow could be provided.

Transport – short-term impacts on highways and PRow during the installations works.

Ecology – At the point of connection of the electricity cable with the sub-station near Galley's Corner GCN have been recorded in the past. As a protected species the statutory undertaker would need to take appropriate protection measures. Also the location of the water abstraction point on the River Blackwater lies just within Blackwater Plantation Local Wildlife site. To minimise the impact the area and duration of disturbance would need to be limited as much as possible.

Noise – the storage of overburden from the IWMF and required rephrasing has been assessed and could be undertaken within the existing noise limits

Comment: No significant issues were raised that could not be addressed through appropriate mitigation.





# Report to the Secretary of State for Communities and Local Government

by M P Hill BSc MSc CEng MICE FGS

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
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Date: 22 December 2009

TOWN AND COUNTRY PLANNING ACT 1990

ESSEX COUNTY COUNCIL

APPLICATION

By

GENT FAIRHEAD & CO. LIMITED

Inquiry held on 29 September 2009

Rivenhall Airfield, Essex C5 9DF.

File Ref(s): APP/Z1585/V/09/2104804

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**ACRONYMS AND ABBREVIATIONS USED IN THE TEXT**

AD	Anaerobic Digestion
BAT	Best Available Technique
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review
BPEO	Best Practical Environmental Option
CABE	The Commission on Architecture and the Built Environment
CD	Inquiry Core Documents
CG	Community Group
CHP	Combined Heat and Power
C&I	Commercial and Industrial
CNEEFOE	Colchester and North East Essex Friends of the Earth
CPRE	Campaign to Protect Rural Council
Defra	Department of Environment, Food and Rural Affairs.
DMRB	Dept. of Transport's Design Manual for Roads and Bridges
DP	Development Plan
EA	Environment Agency
EAL	Environmental Assessment Level
ECC	Essex County Council
EEP	East of England Plan (2008) - the Regional Spatial Strategy
EERA	East of England Regional Assembly
EfW	Energy from Waste
EP	Environmental Permit
eRCF	The evolution of the Recycling and Composting Facility – the proposal which is the subject of the present application
ESRSP	Essex & Southend-on-sea Replacement Structure Plan
ES	Environmental Statement
FOE	Friends of the Earth
IPPC	Integrated Pollution Prevention and Control
IWMF	Integrated waste management facility
JMWMS	Joint Municipal Waste Management Strategy
LBCA	Planning (Listed Buildings and Conservation Areas) Act 1990
LCG	Local Councils Group
LVIA	Landscape and Visual Impact Assessment
MBT	Mechanical Biological Treatment
MDIP	Market de-inked paper pulp
MDR	Mixed Dry Recyclables
MOW	Mixed Organic Waste
MRF	Materials Recycling Facility
MSW	Municipal Solid Waste
mtpa	million tonnes per annum
NE	Natural England
OBC	Essex County Council Outline Business Case
P&W	Printing and Writing Paper
PASS	Planning Application Supporting Statement
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RCF	The Recycling and Composting Facility for which planning permission has been granted.
RSS	Regional Spatial Strategy
SoS	Secretary of State for Communities and Local Government
SOCG	Statement of Common Ground

SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SRF	Solid recovered fuel
SWFOE	Saffron Walden Friends of the Earth
TCPA	Town and Country Planning Act 1990
tpa	Tonnes per annum
WDA	Waste Disposal Authority
WFD	Waste Framework Directive
WID	Waste Incineration Directive
WLP	Essex & Southend-on-sea Waste Local Plan (2001)
WPA	Waste Planning Authority
WRAP	Waste and Resources Action Programme
WSE	Waste Strategy for England
WTS	Waste Transfer Station

**File Ref: APP/Z1585/V/09/2104804**  
**Rivenhall Airfield, Essex CO5 9DF.**

- The application was called in for decision by the Secretary of State for Communities and Local Government by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 May 2009.
- The application was made by Gent Fairhead & Co. Limited to Essex County Council.
- The application Ref: ESS/37/08/BTE is dated 26 August 2008.
- The development proposed is an Integrated Waste Management Facility comprising: Anaerobic digestion plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and pulping paper recycling facility to reclaim paper; Combined Heat and Power Plant utilising solid recovered fuel to produce electricity, heat and steam; Extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; Visitor / Education Centre; Extension to existing access road; Provision of offices and vehicle parking; and associated engineering works and storage tanks.
- The reason given for making the direction was that the proposal may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  - (i) The extent to which the proposed development is in accordance with the development plan for the area, having particular regard to the policies of the Essex & Southend Waste Local Plan 2001, the Braintree District Local Plan Review 2005 and the East of England Plan 2008.
  - (ii) The extent to which the proposal would secure a high quality of design, and its effect on the character of the area, having regard to the advice in paragraphs 33 to 39 of Planning Policy Statement 1: Delivering Sustainable Development.
  - (iii) The extent to which the proposal is consistent with advice in Planning Policy Statement 7: Sustainable Development in Rural Areas which seeks to ensure that the quality and character of the countryside is protected and, where possible, enhanced and to ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is located in sustainable (accessible) locations.
  - (iv) The extent to which the proposal is consistent with advice in Planning Policy Statement 10: Waste, to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency.
  - (v) Whether any planning permission granted for the proposed development should be subject to any conditions and, if so, the form these should take, having regard to the advice in DOE Circular 11/95, and in particular the tests in paragraph 14 of the Annex;
  - (vi) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the proposed terms of such obligations are acceptable;
  - (vii) Any other matters that the Inspector considers relevant.

**Summary of Recommendation: Planning permission should be granted subject to conditions.**

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## **SECTION 1 - INTRODUCTION AND PREAMBLE**

1.1 The application, supported by an Environmental Statement (ES) (Documents CD/2/4 to 2/8), was submitted to Essex County Council (ECC) on 26 August 2008.

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ECC confirms that the application was advertised and subject to consultation in accordance with statutory procedures and the Essex Statement of Community Involvement. In response to a request for further information made under regulation 19 of the Environmental Impact Assessment Regulations 1999, the applicants submitted additional information in December 2008 (Document CD/2/10). This information was also advertised and subject to consultation. The application was reported to ECC's Development and Regulation Committee on 24 April 2009, at which it was resolved to grant planning permission, subject to conditions and a legal agreement, and subject to the Secretary of State (SoS) not calling in the application for her own determination. The committee report and subsequent minutes can be found at Documents CD 2/12a, 2/12B and 2/13.

1.2 The application was subsequently called in for determination by the SoS in a letter dated 12 May 2009. The reason given for the direction is that the application may conflict with national policies on important matters.

1.3 No pre-inquiry meeting was held. However, on 19 August 2009, my colleague Andrew Freeman issued a pre-inquiry note to provide guidance on the procedures to be adopted in relation to the inquiry.

1.4 In September 2009 the applicants submitted an Addendum Environmental Statement (Addendum ES) which was intended to provide additional information at the inquiry. The Addendum ES (Document GF/12) provides additional information and amendments on air quality, human health risk assessment, carbon balance and ecology. It includes an air quality impact assessment based on a redesign of the scheme whereby the proposed gas engine stack would be deleted and all emissions re-routed through the CHP stack. The Addendum ES is accompanied by a Revised Non Technical Summary (Document GF/11). These documents were also advertised and subject to consultation, with a requirement that responses be submitted by 14 October 2009.

1.5 At the inquiry, the applicants confirmed that they wished the proposal to be considered on the revised design whereby all emissions would be routed through a single combined heat and power facility (CHP) stack. The revised scheme is set out in the revised set of application drawings at Document GF/13-R1. Bearing in mind the publicity given to this amendment and the opportunity for all parties and individuals to take part in the inquiry, I was satisfied that no-one would be unreasonably disadvantaged or prevented from presenting their views to the inquiry. I therefore accepted that it would be reasonable to consider the proposal on the basis of the revised design, namely with a single chimney stack.

1.6 The applicants submit that the Environmental Information for the proposal comprises the ES dated August 2008, the subsequent Regulation 19 submissions, the Addendum ES and the revised Non Technical Summary dated September 2009. These have been produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. I have taken account of the documents comprising the Environmental Information, together with the consultation responses and representations duly made within the advertised timescales in arriving at my recommendation. All other environmental information submitted in connection with the application, including that arising from questioning at the inquiry has also been taken into account.

1.7 The inquiry sat for 10 days between 29 September 2009 and 14 October 2009. I undertook accompanied visits to the appeal site and its surroundings, to local

villages and the local road network on 29 September and 15 October 2009. A number of unaccompanied visits to the area, including the walking of footpaths and inspections of the local road network were made before, during and after the inquiry. On 16 October 2009, I made an accompanied visit to the Frog Island Waste Management Facility operated by Shanks at Rainham in Essex. This facility includes a materials recovery facility (MRF) and a three line mechanical biological treatment (MBT) plant dealing with approximately 200,000 tonnes of waste annually. In order to minimise the impact of odour, the MBT operates under a negative air pressure and utilises bio-filters sited on its roof. The visit was arranged primarily to inspect the operation of the air treatment arrangements. A note on the facility is included at Appendix A of this report.

1.8 A Statement of Common Ground (SOCG) has been prepared between the applicants and ECC. The final version of this SOCG can be found at Document CD/13/4. The document includes draft comments from the Local Councils Group (LCG).

1.9 At the opening of the inquiry, the applicants were advised that any planning obligations under S106 of the Town and Country Planning Act 1990 should be submitted in their final form before the inquiry closed. An unsigned copy of an agreement between the applicants and ECC was submitted in its final form on 14 October 2009. The applicants indicated that a signed executed copy of the agreement would be submitted before the end of October 2009. This was received by the Planning Inspectorate within the timescale and conformed and certified copies of the completed S106 agreement can be found at Document CD/14/5.

1.10 On the final day of the inquiry proceedings (14 October 2009), a submission was received from the Environment Agency (EA) in response to the consultation exercise on the Addendum ES. The main parties and the Rule 6 parties asked for time to consider the contents of this document. Moreover, as the final date for responses to the Addendum ES was 14 October, there was a possibility that further representations could be received later that day. It was therefore agreed that any comments on the EA response and on any other representations on the Addendum ES received by 14 October, should be submitted to the Planning Inspectorate by 1600 hours on 22 October 2009. These responses can be found at Document CD/16. Moreover, any response to such comments was to be submitted within a further 7 days, namely by 1600 hours on 29 October 2009. Those responses can be found at Document CD/17. I indicated that no other representations outside these limits would be considered in my report and that the inquiry would be formally closed in writing on the first working day in November. A letter closing the inquiry was sent to the parties on 2 November 2009.

1.11 In addition to the matters on which the SoS particularly wished to be informed (set out in the summary box above), I indicated at the opening of the inquiry that I considered that the following issues should also be addressed:

- i. the need for a facility of the proposed size;
- ii. the viability of the proposed scheme including the de-inking and paper pulping facility;
- iii. the weight to be given to the fall back position of the Recycling and Composting Facility (RCF) for which planning permission was granted in 2007;

- iv. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings; changes in the way waste is dealt with; and changes that may occur in the pulp paper industry. If so, whether the scheme takes account of such need;
- v. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, and light pollution;
- vi. the extent of any risk to human health;
- vii. the effect on highway safety and the free flow of traffic on the highway network;
- viii. the impact on the local right of way network;
- ix. the impact on ground and surface waters;
- x. the implications of the associated loss of Grade 3a agricultural land;
- xi. the effect of the proposal on habitats, wildlife and protected species;
- xii. the impact on the setting and features of special architectural or historic interest of listed buildings in the locality; and,
- xiii. the effect on the historic value of the airfield.

1.12 This report includes a brief description of the appeal site and its surroundings and contains the gist of the representations made at the inquiry, my conclusions and recommendation. Lists of appearances and documents are attached.

1.13 A number of terms have been used to describe the development. Throughout the report, I shall refer to the overall development proposal as the evolution of the recycling and composting facility (eRCF), and the proposed buildings, structures and equipment forming the facility as the proposed integrated waste management facility (IWMF)

## **SECTION 2 - DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The appeal site and its surroundings are described in various documents, including the statement of common ground (SOCG)(Doc. CD/13/4), the ECC Committee Report (Doc. CD/2/12A), and the proofs of evidence of various witnesses. The site is situated in an area of primarily open and generally flat countryside. Beyond the area surrounding the site the landscape is gently undulating countryside and is characterised by large open fields, small blocks of woodland and discrete, attractive villages.

2.2 The site is 25.3 hectares in area and at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road. This narrow strip would accommodate the proposed access route to the IWMF. The route would utilise the existing junction off the A120 and the majority of the length of private road which currently provides access to the existing quarry workings on land to the north of the intended site of the IWMF. The private access road leads down from the A120 into the attractive wooded valley of the River Blackwater. This part of the application site lies within the Upper Blackwater Special Landscape Area (SLA), as defined in the Braintree District Local Plan Review (LP). The access road then climbs gently before reaching its junction with Church Road, a lightly trafficked rural road linking the settlement of Bradwell with various farms and dwellings to the east. Church Road provides a link to Cuthedge Lane which leads to Coggeshall Hamlet. The existing length of access road between the A120 and the Church Road is two lane, although it narrows to a single lane at the junction.

2.3 After crossing Church Lane, the access road continues southward, through agricultural land, as a single lane route with passing bays until it reaches Ash Lane. Ash Lane is a quiet rural lane edged with trees in the vicinity of the junction. At both the Church Road and Ash Lane crossing points, the access road is single lane with signs indicating that vehicles using the access road must stop at the junction before crossing onto the next section of access road. Steel bollards are sited at the corners of the Ash Lane and Church Road junctions in order to discourage vehicles from attempting to turn onto the public highway from the access road.

2.4 The access road continues southward into sand and gravel workings known as Bradwell Quarry. The proposed access to the IWMF would continue in cutting alongside a length of restored sand and gravel workings to the west of the existing quarry. To the south of the quarry, the application site widens into an irregular shaped plot of land.

2.5 This part of the application site, would accommodate the IWMF. It is situated at the southern end of the former Rivenhall Airfield. At present, it accommodates a former aircraft hanger (known as hangar No 2), and includes concrete hardstandings and runway, agricultural land and semi-mature woodland containing 6 groups of trees and 11 individually preserved trees which are the subject of Tree Preservation Orders (TPOs). Hangar No 2 is presently used for the storage of grain.

2.6 The northwestern corner of this irregular shaped plot accommodates the Grade II listed Woodhouse Farm buildings. This group of buildings are in a run-down and semi derelict condition. The farmhouse has been unoccupied for many years. The tiled roof has deteriorated to such an extent that it has had to be covered in metal cladding for protection, and several of the windows are broken and open to the elements. A structure, made of steel scaffolding, has been erected around the adjacent bakehouse in an attempt to preserve that building. However, it appears that the roof and top portions of the walls of the bakehouse have collapsed. The site is heavily overgrown and vegetation prevents ready access to this structure and an adjacent water pump, which is also listed. The former garden of Woodhouse Farm is overgrown and unkempt. Detailed descriptions of the listed buildings in this group can be found in Appendix 3 of the SOCG (Document CD/13/4).

2.7 To the east of the application site there are agricultural fields identified as being within the control of the applicants. Approximately 400m to the east of the application site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshot's Farm. However, views of this group of buildings from the west are dominated by the presence of a scrap vehicle business which operates near Allshot's Farm. Vehicles are piled on top of one another and screen views of Allshot's Farm from the vicinity of Woodhouse Farm.

2.8 Approximately 500m to the south east of the application site, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which access is gained via a public highway leading from Parkgate Road. Parkgate Road runs in an easterly direction from its junction with Western Road. It is about 1km from the application site and is separated from the site by a number of large open fields and two blocks of woodland, one being an area of mature woodland known as Storey's Wood.

2.9 To the south west of the application site, just over 1 km away, lies the village of Silver End. The village has a substantial Conservation Area and contains a large number of listed buildings, primarily related to the garden village developed in association with the Crittall company. One of the listed buildings is Wolverton which lies at the northeastern edge of the village and overlooks the open fields separating the village from the application site.

2.10 Sheepcotes Lane runs from the northeastern corner of Silver End in a northerly direction. At a bend in the lane, approximately 500m from the settlement, lies Sheepcotes Farm, another Grade II listed building. This farmhouse lies on the eastern side of Sheepcotes Lane and is about 500m west of the application site and 600m from the proposed IWMF. However, the farmhouse lies adjacent to a cluster of structures. On the eastern side of this cluster lies another large hangar associated with the former airfield, known as Hangar No 1. Although apparently not in use at present, this hangar has been used in the past for industrial/commercial purposes. There is also a tall tower of lattice construction, previously associated with the airfield but now used for telecommunications purposes.

2.11 Further along Sheepcotes Lane to the northwest of the main element of the application site lies a group of dwellings which includes a listed building known as Goslings's Farm. This dwelling is about 1km from the site of the proposed IWMF. The group of dwellings is separated from the application site by an area of land which has been previously worked for the extraction of minerals. Much of the land has been restored to agricultural use and includes a bund which is to be landscaped and planted.

2.12 To the north of the application site lies the listed building of Bradwell Hall. This building is sited only about 200 metres from the eastern edge of the existing haul road. However, it is some 1.5 km from the main element of the application site and is well screened from the site by the topography of the ground and existing trees and vegetation.

2.13 Nearer the main element of the application site there are a number of dwellings served by Cuthedge Lane, which runs in an east-west direction approximately 700 metres from the site. Herons Farm and Deeks Cottage lie to the south of Cuthedge Lane and are separated from the application site by open fields and land which is being worked for mineral extraction. At present a bund forming a noise barrier for the mineral workings helps to screen the application site from these dwellings. However, the bund is a temporary structure. Further to the east, on the northern side of Cuthedge Lane lies a farmhouse known as Haywards. This dwelling is about 700 metres from the edge of the application site and has views of the site across the flat open fields and site of the former airfield.

2.14 Long distance views of the application site can be gained from a few locations on high ground to the north of the A120. The existing telecommunications tower near Sheepcotes Farm can be seen from some viewpoints on the A120; from viewpoints on high ground to the north of the A120; from a few locations on the B1024 road linking Coggeshall and Kelvedon which is about 3km to the east of the site; and in views about 1km to the south from Parkgate Road/Western Road, as it leads towards Silver End.

2.15 A number of footpaths cross the site. Three footpaths (Nos FP19, FP57 and FP58), including the Essex Way, are crossed by the existing quarry access road. The proposed extended access road would cross FP35. In addition, FP8 which runs approximately north/south in the vicinity of the site passes alongside the complex of buildings at Woodhouse Farm. Hangar No 2 on the application site is visible from various locations along these footpaths.

### **SECTION 3 - PLANNING POLICY**

3.1 Relevant planning policy is set out in the SOCG.

#### *The Statutory Development Plan*

3.2 The statutory development plan comprises the following documents:

- East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008) (EEP - Document CD/5/1);
- 'Saved' policies from the Adopted Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (2001) (ESRSP - Document CD/5/3);
- 'Saved' policies from the Essex and Southend Waste Local Plan (Adopted September 2001) (WLP - Document CD/5/4);
- 'Saved' policies from the Braintree District Local Plan Review (Adopted July 2005) (BDLPR - Document CD/5/5); and
- 'Saved' policies from the Essex Minerals Local Plan First Review 1996 (MLP - Document CD/5/6).

3.3 EEP Policy MW1 indicates that waste management policies should seek to ensure timely and adequate provision of facilities required for the recovery and disposal of the region's waste, whilst amongst other things, minimising the environmental impact of waste management. Policy WM2 sets targets for the recovery of municipal and C&I waste and Policy WM3 indicates that the East of England should plan for a progressive reduction in imported waste, indicating that allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit.

3.4 The application site includes a 6 ha area of land identified as a "preferred location for waste management" (WM1) in Schedule 1 of the WLP. Policy W8A indicates that waste management facilities will be permitted at the locations shown in Schedule 1, subject to various criteria including requirements that there is a need for the facility and it represents the Best Practical Environmental Option (BPEO). The policy indicates that integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained. Policy W3C indicates that, in the case of facilities with an annual capacity over 50,000 tonnes, measures will be taken to restrict the source of waste to that arising in the plan area, except where it can be shown, amongst other things, that the proposal would achieve benefits that outweigh any harm caused.

3.5 Policy RLP27 of the BDLPR indicates that development for employment uses will be concentrated in towns and villages. RLP78 indicates that the countryside will be protected for its own sake by, amongst other things, restricting new uses to those appropriate to a rural area and the strict control of new building outside existing settlements.

3.6 With the exception of the access road, part of which lies within the designated Upper Blackwater Special Landscape Area, the application site is not the subject of any allocations in the BDLPR. Furthermore, it is not referred to in Braintree District Council Draft Local Development Framework Core Strategy (2008).

3.7 I note that on 20 May 2009, the High Court upheld in part a challenge to the East of England Plan and that Policies H1, LA1, LA2, LA3 and SS7 were remitted to the SoS to the extent identified in the Schedule to the Court Order and directed that those parts of the RSS so remitted be treated as not having been approved or adopted.

### National Planning Policy

3.8 The following national planning policy documents are relevant:

- The Planning System: General Principles (Document CD/6/15);
- Planning Policy Statement (PPS) 1 – Delivering Sustainable Development (Document CD/6/1);
- Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement (PPS) 1 (Document CD/6/2);
- Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas (Document CD/6/4);
- Planning Policy Statement (PPS) 9 – Biodiversity and Geological Conservation (Document CD/6/5);
- Planning Policy Statement (PPS) 10 – Planning for Sustainable Waste Management (Document CD/6/6);
- Planning Policy Guidance (PPG) 13 – Transport (Document CD/6/7);
- Planning Policy Guidance (PPG) 15 – Planning and the Historic Environment (Document CD/6/8);
- Planning Policy Guidance (PPG) 16 – Archaeology and Planning (Document CD/6/9);
- Planning Policy Statement (PPS) 22 – Renewable Energy (Document CD/6/10);
- Planning Policy Statement (PPS) 23 – Planning and Pollution Control (Document CD/6/11);
- Planning Policy Guidance (PPG) 24 – Planning and Noise (Document CD/6/12);
- Planning Policy Statement (PPS) 25 – Development and Flood Risk (Document CD/6/13);
- Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (Document CD/6/14); and
- Consultation on the new Planning Policy Statement (PPS) 15 – Planning for the Historic Environment (Document CD/6/17).

### Other Relevant Law and Policy

3.9 The SOCG identifies the following law and policy:

- Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended) (Document CD/4/1);
- New EC Framework Directive on Waste 2008/98/EC (Document CD/4/2);
- EC Waste Incineration Directive 2000/76/EC (Document CD/4/3);
- Waste Strategy for England 2007 (May 2007) (Document CD/8/1); and
- Joint Municipal Waste Management Strategy (JMWMS) for Essex (2007 to 2032) (Document CD/8/2).

## **SECTION 4 - PLANNING HISTORY**

4.1 The planning history of the application site and the adjacent Bradwell Quarry site is set out in the Final SOCG between the applicants and ECC (Document 13/4).

4.2 Planning permission for a recycling and composting waste management facility on the site was granted in February 2009 (Ref. ESS/38/06/BTE). That scheme is known as the RCF, although the permission has not yet been implemented. The consent relates to the development of a facility for the recovery of recyclable materials such as paper, card, plastic, metals, and fine sand and gravels from residual municipal waste. It includes a waste treatment centre utilising Anaerobic Digestion (AD) technology and Enclosed Composting for the treatment of residual municipal waste. It is intended to have an approximate eventual input of up to 510,000 tonnes per annum (tpa).

4.3 The consent includes for the redevelopment of Woodhouse Farm, which would be used as an Education Centre with associated car and coach parking for the public. It also includes the prior removal of overburden and other material at the site to lower the plant at least 11 m below existing ground level. This is intended to provide maximum visual impact mitigation and to safeguard the protection of national mineral reserves. The planning application and associated documents can be found at Documents CD/3/1 to CD/3/9

4.4 Planning permission reference ESS/07/08/BTE was granted for the extraction of sand and gravel at Bradwell Quarry, together with processing plant, and access via an improved existing junction on the A120. The permission has been implemented with a completion date of 2021. Application reference ESS/15/08/BTE is for a variation of ESS/07/98/BTE to allow amended restoration levels and the 'New Field Lagoon'. The Council has resolved to grant permission subject to completion of a legal agreement which has not yet been signed. In addition, there are a number of other planning permissions with respect to the processing plant at Bradwell Quarry.

## **SECTION 5 - THE PROPOSED DEVELOPMENT**

5.1 The application site is identical to that of the permitted 510,000 tpa RCF. The latest proposals have evolved from the RCF and are therefore known as the evolution of the Recycling and Compost Facility (eRCF). The site is owned by the applicants.



5.2 The site area of 25.3 ha would be utilised as follows:

- 6 ha (approximately) for the proposed integrated waste management facility (IWMF) including buildings and structures;
- 2.6 ha for the redevelopment of Woodhouse Farm;
- 10.6 ha including the fresh water lagoon and proposed areas of landscaping;
- 5.1 ha for the construction of the extended haul road; and
- 1 ha which is the existing haul road to the quarry to be utilised by the proposals.

5.3 The eRCF would provide an integrated recycling, recovery and waste treatment facility. The proposals include:

1. an AD plant treating Mixed Organic Waste (MOW), which would produce biogas that would be converted to electricity by biogas engine generators;
2. a Materials Recovery Facility (MRF) for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals;
3. a Mechanical Biological Treatment facility (MBT) for the treatment of residual Municipal Solid Wastes (MSW) and/or Commercial and Industrial (C&I) waste to produce a Solid Recovered Fuel (SRF);
4. a De-inking and pulping paper recycling facility to reclaim paper pulp (this is described as Market de-inked paper pulp (MDIP));
5. a Combined Heat and Power (CHP) plant utilising SRF to produce electricity, heat and steam;
6. the extraction of minerals to enable the proposed buildings to be partially sunken below ground level within the resulting void;
7. a Visitor/Education Centre;
8. an extension to the existing access road serving Bradwell Quarry;
9. the provision of offices and vehicle parking;
10. associated engineering works and storage tanks; and
11. landscaping.

5.4 The proposed IWMF would provide treatment for 522,500 tpa of waste of a similar composition to that which would be treated by the RCF. It is intended to treat 250,000 tpa of MSW and/or C&I waste; 100,000 tpa of mixed dry recyclables (MDR) or similar C&I waste; 85,000 tpa of mixed organic waste (MOW) or similar C&I waste; and 87,500 tpa of SRF. In addition it would provide a facility for the recovery and recycling of 331,000 tpa of imported waste paper. The IWMF has therefore been designed to import and recycle or dispose of a total of up to 853,500 tonnes of waste annually.

5.5 A comparison of the permitted RCF scheme and the eRCF application is presented on Table 1 and Figures PI-1 and PI-2 of the SOCG. These tables correct a number of typographical errors that were made in the original ES dated August 2008. The SOCG also provides a description of the various elements of the eRCF scheme.

5.6 The AD plant would treat MOW from kerbside collected kitchen and green waste or similar C&I waste. It would have a treatment capacity of 85,000 tpa. As indicated above the AD process would produce biogas which would be converted to electricity. The residues from the AD process would be a compost-like output. Dependant on the quality of the waste feedstock, the resultant compost could be suitable for agricultural or horticultural uses.

5.7 The MRF would process up to 100,000 tpa of imported MDR and recover paper and residues from the MBT and AD processes. Materials recovered by the MRF would be baled and bulked up for export from the site and further reprocessing or recycling. The MRF would have a total integrated throughput of 287,500 tpa linked to other eRCF processes.

5.8 The MBT facility would treat 250,000 tpa of MSW and/or C&I waste. It would comprise five 'biodrying Halls', each with a capacity of 50,000 tpa. Before entering the MBT, the waste would be shredded to produce a consistent feedstock for the 'biodrying' process. At the end of this aerobic drying process, the weight of the waste in the MBT would be reduced by 25%. The resulting material, known as SRF, would be stabilised, sanitised and would be without noticeable odour. During the biodrying process, air would be extracted from the MBT and routed through the buildings to the CHP unit where it would provide combustion air that would be scrubbed and cleaned before discharge to the atmosphere via the CHP stack.

5.9 The Pulp Paper Facility would be used to treat up to 360,000 tpa of selected waste paper and card. This would comprise 331,000 tpa of imported materials, as well as 29,000 tpa of recovered paper and card from the MRF and MBT. The facility would produce up to 199,500 tpa of recycled pulp which would be transported off-site and used to manufacture materials such as graphics, photocopier or writing paper.

5.10 The CHP plant would treat up to 360,000 tpa of material. Its feedstock would comprise up to: 109,500 tpa of SRF produced by the MBT; 10,000 tpa of residues from the MRF; up to 165,000 tpa of process sludge from the Paper Pulping Facility; and 87,500 tpa of SRF manufactured and imported from elsewhere. The energy produced by the CHP would be converted into electricity, heat and steam. Part of the electricity would be exported from site to the National Grid, whilst the remainder would be used as a source of power for the eRCF processes. The extracted air from all the processes on-site would be used as combustion air for the CHP, so that the CHP stack would be the only stack.

5.11 The eRCF would produce between 36 MW and 43 MW per annum of electricity. This would be generated on the site from the AD process (3 MW per annum) and between 33 MW to 40 MW per annum from the CHP plant. Approximately half the energy would be utilised on the site, enabling approximately 18 MW per annum (14.73 MW from the CHP and 3 MW from the AD) to be exported to the National Grid.

5.12 In order to enable the IWMF's buildings to be partially sunk below ground level, 760,000 m<sup>3</sup> of boulder clay, 415,000 m<sup>3</sup> of sand and gravel and 314,000 m<sup>3</sup> of London clay would be excavated prior to its construction. Where possible, the excavated materials would be utilised in the construction of the IWMF, otherwise it would be exported from the site. Sand and gravel could be processed at the adjacent Bradwell Quarry, subject to a further planning permission related to that site.

5.13 Listed building consent would be applied for to enable the Grade II Listed Woodhouse Farm house and associated buildings to be redeveloped and refurbished for use as a Visitor and Education Centre. This would provide an education facility connected to the operation of the IWMF. It would also provide an area for a local heritage and airfield history displays.

5.14 The existing access road to Bradwell Quarry would be extended approximately 1 km south through the quarry workings to the IWMF. All traffic entering or leaving the IWMF would use the A120 and the existing junction which presently serves Bradwell Quarry. The extension to the existing access road through Bradwell Quarry would be an 8 m wide metalled road located in an existing and extended cutting. The existing crossing points with Church Road and Ash Lane would be improved with additional speed ramps, signalling and signage, but would remain single lane.

5.15 Offices would be provided within the IWMF. A staff and visitors car park would be developed west of Woodhouse Farm. The staff and visitor car park would not be used by HGV traffic.

5.16 The IWMF would comprise 63,583 m<sup>2</sup> of partially sunken buildings and treatment plant. The MRF, MBT and Paper Pulping Facility would be housed in two arch-roofed buildings adjacent to each other, each measuring 109 m wide x 254 m long and 20.75 m in height to their ridges. Both buildings would have "green" roof coverings capable of sustaining vegetation growth, reducing their visual impact and providing a new area of habitat to enhance bio-diversity. To the south of the main buildings there would be a water treatment building and a CHP Plant with a chimney stack 7 m in diameter extending 35 m above the site's existing ground level. In addition there would be a turbine hall; an electrical distribution hall; a Flue Gas and Exhaust Air Clean Up Complex; three AD tanks and an AD gasometer.

5.17 The IWMF would be sited below natural ground level. In order to maximise the void space, the sides of the void would be constructed with a retaining wall. The base of the void would be approximately 11 m below ground level, such that the ridge of the arched buildings would be approximately 11 m above natural ground levels, and the tops of the AD and gasometer tanks about 12 m above ground level. Cladding materials to the buildings would be dark in colour. Where the CHP stack extended above the surrounding woodland, (about 20 m above the existing woodland) it would be clad in stainless steel or a similar reflective material. This would help to minimise its visual impact by reflecting and mirroring the surrounding environment.

5.18 The main structures of the IWMF, except the CHP stack, would be no higher above the surrounding ground level than the existing hangar currently on the Site, which is about 12.5 m maximum height. The approximate footprint of the IWMF's buildings and structures is 6 ha and thereby substantially larger than the existing hangar which is only about 0.3 ha. The IWMF would project north of the existing woodland towards the adjacent quarry.

5.19 Approximately 1.7 ha of woodland would be removed, together with two Native English Oak trees and two smaller groups of trees. All these trees are covered by Tree Preservation Orders. A strip of woodland, about 20m to 25m in depth, would remain adjacent to the void created by the extraction of the minerals and overburden. The remaining woodland around the IWMF would be managed to improve both its ability to screen the development and enhance biodiversity. In addition, 19.1 ha of open habitats would be lost, including areas of grassland, arable land and bare ground.

5.20 Mitigation proposals include the planting of approximately 1.2 ha of new species rich grassland. A further 1 ha of managed species rich grassland would also be provided to the east of Woodhouse Farm outside the Planning Application area. In addition, a further 0.6 ha of new species rich grassland would be provided next to Woodhouse Farm. The green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat.

5.21 Planting would be undertaken on shallow mounds which are proposed on the southwest side of the building. The mounds would have a maximum height of 4m and a width of 20 to 25m. A total of about 2km of new hedgerow planting would be established on the northern site boundary and to either side of the extended haul road. Enhanced planting is proposed between the car park and Woodhouse Farm buildings, and a block of woodland planting would be sited on a triangular plot at the northeast side of the site. These areas of new planting (totalling about 2.2 ha), together with management of existing woodland, would enhance screening of the site and its ecological value. In addition to this planting, a 45 m wide belt of trees (approximately 1.2 ha in area) would be established outside the application area.

5.22 External lighting levels would have an average luminance of 5 lux. No external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes, would operate during the night.

5.23 The IWMF would generate up to 404 daily Heavy Goods Vehicle (HGV) movements comprising 202 into and 202 out of the site a day. There may also be approximately 90 Light Goods Vehicle or car movements associated with staff, deliveries and visitors. During the construction phase, the IWMF would generate about 195 HGV movements in and 195 HGV movements out.

5.24 Waste would be delivered in enclosed vehicles or containers. All waste treatment and recycling operations would take place indoors under negative air pressure and within controlled air movement regimes, minimising the potential for nuisance such as odour, dust and litter which could otherwise attract insects, vermin and birds. Regular monitoring for emissions, dust, vermin, litter or other nuisances would be carried out by the operator to meet the requirements of the Environmental Permit that would need to be issued by the Environment Agency (EA) for operation of the IWMF.

5.25 The proposed hours of operation for the receipt of incoming waste and departure of outgoing recycled, composted materials and treated waste would be 07:00 to 18:30 Monday to Friday and 07:00 to 13:00 on Saturday with no normal deliveries on Sundays, Bank and Public Holidays. The only exception would be, if required by any contract with the Waste Disposal Authority, that the Site accept and receive clearances from local Household Waste Recycling Centres on Sundays, Bank and Public Holidays. Due to the continuous operational nature of the waste treatment processes, the IWMF would operate on a 24 hour basis but would not involve significant external activity outside the normal operating hours for the receipt of waste.

5.26 During construction of the IWMF, a period of 18 to 24 months, it is proposed that the working hours would be 07:00 to 19:00 seven days a week.

5.27 The IWMF includes a Waste Water Treatment facility. All surface water outside the buildings would be kept separate from drainage systems within the buildings. External surface water from roofs and hardstandings, and groundwater pumped during construction, would be collected and stored within the Upper Lagoon proposed to the north of the buildings, which would be below natural ground levels. All drainage and water collected within the buildings and used in the Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced either from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, licensed abstraction points, or obtained from the utility mains.

5.28 The internal waste reception bunkers would provide buffer storage for about 2 days of imported waste to the MBT and approximately 5 days for the AD, Pulp Facility and CHP, to ensure that waste processing and treatment operations could run continuously and that there would be spare capacity in the event of any planned or unforeseen temporary shutdown of the IWMF.

5.29 The IWMF would provide employment for about 50 people.

## **SECTION 6 - THE CASE FOR THE APPLICANTS**

### *The Environmental Statement and its review by ERM*

6.1 The audit of the ES by Environmental Resources Management (ERM) for Braintree DC (Document CD/2/11) found that the ES was generally of good quality with very few omissions or points of clarification required. Moreover, it indicated that there was good provision of information with only minor weaknesses which were not critical to the making of any decision. The ES audit did not simply focus on process and structure. ERM indicated that it had applied its technical expertise to make informed judgements on the robustness of the submitted assessments. Although ERM considered there was an overestimation of the likely 'demand', it indicated that as a technical assessment of particular topics based on the stated application, the Environmental Impact Assessment (EIA) was generally competent and could be considered to comply with the EIA Regulations.

6.2 Braintree DC was advised by ERM that on the majority of the issues (generally other than need and highways) the ES was a competent technical assessment and supported the assessment of the effects as being "not significant". The audit supports the assessment of the great majority of the likely impacts of the proposals. Moreover, since that audit was undertaken further work has been done in producing the Regulation 19 information and the Addendum to the ES.

6.3 The EIA procedures have been complied with. As regards any concern that the Addendum or other additional information has not been properly made available for public consultation and comment, it is noteworthy that the time allowed for comments on the Addendum was the same as for the main ES, which was itself in accordance with the period set out in the Regulations for the ES. Moreover, it is lawful for additional material to be taken into account at the inquiry, since Regulation 19 (2) of the EIA Regulations 1999 allows such material to be consulted upon at

inquiry. (See Sullivan J. in *R. (on the application of Davies) v. Secretary of State* [2008] EWCA 2223 (Admin) at paragraphs. 41-47).

Common ground

6.4 The following matters can be regarded as common ground:

- (i) The matters set out in the SOCG at least as between ECC and the Applicant.
- (ii) The proposals would generate benefits in that they would allow for sustainable waste management and permit a move further up the waste hierarchy. This appears to be accepted whether or not the paper recovery process is termed "industrial".
- (iii) It is now agreed with the Local Councils Group (LCG) that there is an undisputed need for the MBT facility in terms of MSW and C&I and that the capacity gap is at least 326,800 tpa (set against a capacity of the MBT of 250,000 tpa). The capacity gap for C&I facilities therefore well exceeds the capacity of the plant proposed on the Site.
- (iv) The grant of permission for the RCF is a material consideration.
- (v) Documents GF/17 and GF/27 represent agreement between the applicants and LCG regarding the considerable carbon savings which the eRCF represents, both in comparison with the RCF and the base case in Essex without either the eRCF or RCF, but assuming current trends in recycling etc. Such savings take into account an average distance travelled per kg of waste of 100 km. The submission by Saffron Walden Friends of the Earth (SWFOE) that biogenic CO<sub>2</sub> has not been taken into account is correct to a limited extent, but only because IPPC guidance does not require biogenic CO<sub>2</sub> to be included. The SWFOE argument is with current guidance.
- (vi) When considering the implications of the proposals for what might be termed, generically, "countryside issues" under the Development Plan and PPS7, it is appropriate to take into account the following factors -
  - (a) The remaining infrastructure of the former airfield;
  - (b) The sand and gravel workings and its associated infrastructure;
  - (c) The former radar mast now used for telecommunications;
  - (d) The extent to which the proposals may strengthen or enhance tree cover, ecological interest and/or biodiversity; and
  - (e) The extant RCF permission and fallback position.
- (vii) It also now appears to be accepted that there will not be a plume from the stack and it does not appear to be disputed that the modelled emissions show that there should not be material concerns regarding the proposals in air quality and health terms.
- (viii) The appropriateness and acceptability of the ES given the ERM audit (Document CD/2/11).
- (ix) The professional planning witness for the LCG did not consider the proposals objectionable because of the inclusion of incineration of waste through the CHP plant with recovery of energy, and did not consider that

there was any issue arising with regard to compliance with WLP Policy W7G. Nevertheless, this policy is out of date and out of step with modern waste policy given its heavy reliance on BPEO, which is no longer national policy as set out in PPS10. SWFOE acknowledged the error in their initial evidence regarding the strict application of R1 and, as the note on R1<sup>1</sup> (Document GF37) makes clear, if the Waste Directive 2008 applies to the eRCF, the use of the CHP would be regarded as recovery not disposal. Regardless of the strict characterisation of the CHP plant, the fact that it would meet the thermal efficiency requirements of the new Directive demonstrates that it is nonetheless a sustainable proposal.

6.5 SWFOE characterise the CHP as disposal rather than recovery of waste as a matter of EU law, reference being made to paragraphs 2.153-2.158 of the Defra Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009). The relevant extract is attached to Document OP/2. The point, if it is a good one, applies to all if not most CHP plant as the Defra Consultation points out. This does not alter the following important points:

- (i) CHP is currently supported by WSE 2007 and other national/regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms; and
- (ii) The Waste Directive 2008 seeks to address the categorisation issue as the Defra Consultation explains at paragraphs 2.159-2.181. It is to be noted that Defra's view is that the burning of non-MSW waste streams in a plant designed to burn MSW (as here) would also be recovery under the new provisions (See paragraphs 2.176, 2.177 of the Defra Consultation).

#### Comparison between the eRCF and the RCF and the fallback position

6.6 The RCF should figure prominently in the determination of the eRCF application for two reasons:

- (i) the grant of planning permission for the RCF (on 26 February 2009) establishes the principle of development of a major waste management facility on the site against the background of current policies. SOCG Table 1 & Figs P1-1 & P1-2 set out a detailed explanation of the revisions and additions to the RCF's waste treatment capacity that have resulted in the eRCF and a detailed comparison of the developments. The waste management capacities of imported waste of similar composition (510,000 tpa & 522,500 tpa) are similar, and therefore the 'need' for this treatment capacity has already been established. The design, layout, scale, dimensions and external finishes of the eRCF, on the same site, are similar to the RCF. The main differences are the addition of the Pulp Facility and CHP plant and stack.
- (ii) The RCF provides a fallback position for the decision on the eRCF because

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<sup>1</sup> See the Waste Directive 2008 Annex II "Recovery Operations" which includes as recovery (rather than disposal) "*RI use principally as a fuel or other means to generate energy*". Although the formula has been applied, in fact it applies to facilities dedicated to MSW only not to C&I or mixed facilities as the footnote reference in Annex II makes clear. However, compliance with the formula makes it clear that to the extent that the CHP were considered to be "*dedicated to the processing of municipal solid waste only*" it would comply.

the applicants will implement the planning permission for the RCF (Document CD3/1) if planning permission is not granted for the eRCF. The RCF would have impacts which would occur in any event should permission for the eRCF be refused. Since the site benefits from the RCF permission, it is appropriate to consider the proposals for the eRCF not only on their own merits but against that extant permission. As a permission for which there is at least a reasonable prospect of implementation should permission for the eRCF be refused, it is a material consideration and provides a baseline against which the eRCF should be considered. It is therefore unnecessary to re-consider those matters in respect of which no significant change arises.

6.7 The reason for the delay in the issue of the RCF permission was the lengthy delay in the production of the draft S106 and since it was only issued in Feb 2009, it is not surprising given the call-in that it has not been implemented. The suggestion by the LCG that the RCF scheme was indicative and a stalking horse for something else is refuted. Discussions have taken place over several years between the applicants and ECC since the allocation of the site in the WLP. During that process, indicative ideas were put forward.

6.8 The RCF represents appropriate technology as confirmed by ECC and as set out in the JMWMS. The LCG confuses the provision of appropriate technology with the development of different and even better facilities which are represented by the eRCF.

6.9 The RCF permission would not need to be amended before implementation. In contrast, the Basildon permission would have to be amended to meet the requirements of the OBC2009. The applicants have unashamedly been waiting for the ECC contract. In due course they would enter a joint venture with a major waste company. However, it would not be in the commercial interests of the applicants for details of current negotiations to be made available. In addition there are large quantities of C&I waste to be treated and every prospect of implementation of the scheme for C&I waste only.

The eRCF represents a highly sustainable evolution from the RCF, allowing for the disposal of residual waste to move higher up the waste hierarchy and the efficient use of CHP together with the MDIP. This is an important factor supporting the grant of planning permission for the current application. The consultation response from the Commission on Architecture and the Built Environment (CABE) to the RCF application on 25.10.06 (Document GF/2/B/Appx 1) anticipated the evolution of the proposals now found in the eRCF. The CABE response stated "We would encourage the applicant and the local waste authority to bear in mind the likelihood of changing techniques and requirement for dealing with waste in the years ahead, and to envisage how the facility might need to be adapted and/or extended to meet future needs." By integrating the various recovery, recycling and treatment processes, it would be possible to re-use outputs from individual waste treatment processes that would otherwise be wasted and/or require transportation off site. It is consistent with the hierarchical requirements of waste management. The proposal would be environmentally and financially sustainable.

6.10 The additional benefits of the eRCF are considerable:

- (i) The eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. It



would produce its own SRF from C&I waste and its own MBT, if it did not obtain the ECC contract. A CHP facility capable of utilising the SRF produced from the county's MSW is excluded from the reference project and proposed procurement for the competition reasons set out in OBC 2009 paragraphs 4.3.11-4.3.14 (Document CD/8/6).

- (ii) The MDIP would provide a unique facility in the UK after 2011 for the treatment and recovery of paper waste to produce high quality paper pulp. It would take forward Defra's policy in WSE 2007 to prioritise the increased recycling and recovery of paper and to take advantage of the carbon benefits it would provide.
- (iii) Given the agreed CO<sub>2</sub> savings set out in Document GF/27, the proposals would meet the strategies in both WSE 2007 and the UK Low Carbon Transition Plan (July 2009) pages 162-3 (Document CD/8/8) in relation to the section dealing with reducing emissions from waste. If the UK is seeking to reduce emissions from waste of around 1 mpta, this site alone would contribute about 7% of that objective.

#### Need for the eRCF proposals

6.11 There is a demonstrable need in Essex for new facilities to manage both MSW and C&I wastes. Both the RCF and the eRCF would be well-equipped to deal in a modern sustainable manner with MSW and/or C&I whether or not the applicants (with an operator partner) win the MSW contract. Further, there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The eRCF MDIP would be capable of not only meeting the Essex and the East of England's needs in terms of recycling/recovery of high quality paper (thus meeting WSE 2007 key objectives) but providing a facility for a wider area in accordance with EEP Policy WM3.

6.12 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. Essex is expected to manage 3.3mtpa MSW and C&I waste during the period 2010/11 to 2015/16 rising to 3.7mtpa during the period 2015/16 to 2020/21. However, the need case has been assessed on a more conservative basis (2.4mtpa by 2020/21) put forward by the East of England Regional Assembly (EERA) in a report entitled 'Waste Policies for the review of the East of England Plan' dated 29 June 2009 (Document CD/5/2). As indicated in Document GF/33, consultation has commenced on this matter as part of the process of review (Document CD/5/8). There is a small change in the figures contained in the consultation document compared to those set out in June 2009 in terms of predicted MSW arisings. However, C&I predictions remain the same and the changes do not have a material impact on the analysis undertaken by the applicants.

6.13 The potential treatment capacity of the currently permitted facilities in Essex is 1.375 mtpa. There do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. ECC indicate that it is not possible to predict whether other proposals will come forward that would be acceptable. Whatever proposals may be in contemplation by others, they are inherently uncertain. Their delivery and acceptability is uncertain, as is the extent to which they would be able to compete in the forthcoming PFI procurement.

6.14 Even with the application proposals in place, there would be a need for additional facilities, as demonstrated by the shortage of treatment capacity that exists to deal with the arisings that are specified in the regional apportionment set out in the EEP. If the reduced figures in the EERA Report of June 2009 are used, there would still be a shortage of treatment capacity and a need for additional facilities. Notwithstanding this, the figures set out in EEP Policy WM4 are the determinative figures for the purposes of this application.

6.15 The analysis undertaken in Document GF/4/A confirms that either the RCF or eRCF is critical in terms of meeting the county's targets. Even on the conservative basis referred to at paragraph 6.12 above, a serious treatment capacity gap would remain ranging from around 410,000 to 540,000 tpa. This indicates that at least one additional facility would be required regardless of whether the RCF or the eRCF were contracted to treat MSW.

6.16 The 'Updated Capacity and Need Assessment – Final Report' (Document CD/10/4) prepared by ERM for ECC in July 2009 is inaccurate. For example page D11 in Annex D identifies sites which should not be included in the list as they do not contribute to the current capacity to treat C&I waste. Contrary to the claim in paragraph 6.1 of Document LC/1/E that the overall capacities in the 2009 ERM report are as accurate as they can be, it is clear that the document contains errors. Moreover, that report will not form part of the evidence base for the Waste Development Document as stated in paragraph 3.1 of Document LC/1/E. ECC will arrange for a new report to be prepared.

6.17 Without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large and high input capacity landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy, and because of the effect of landfill tax on the economics of disposal against treatment. Thermal treatment of residual waste, incorporating CHP, as strongly supported by the WSE 2007 and the OBC 2008, increases the level of recovery and considerably reduces long term pressure on landfill needs. The policy-supported need case is further supported by the fact that most currently permitted and operational landfill capacity in the county (excepting the recently permitted Stanway Hall 'Landfill' at Colchester, which is tied to the proposed MBT facility, and the Bellhouse site at Stanway) will be closed by 2015 as indicated in Document GF/24. Additional landfill capacity will therefore be required to meet landfill needs even with all treatment capacity in place.

6.18 It appears that the ERM reports had considered "all void space without restriction". Sites such as Pitsea may well be of limited contribution. The applicants approach is therefore a more realistic analysis of landfill capacity than that adopted in the ERM reports.

6.19 The landfill policy and legal regime (including the forthcoming landfill tax increases) provide a disincentive to the continuing rates of use of landfill. In contrast, there are positive incentives for increased recycling and recovery, including the greater commercial attractiveness of recycling and recovery. This is important, since it makes proposals such as the eRCF critical to achieving and reinforcing the objectives of current policy. It is also relevant to claims about inadequacies of paper feedstock which are dismissive of the ability to divert from landfill a significant

quantity of paper and card which is currently landfilled in the East of England at a rate of about 713,000 tpa (Document CD/10/1 pages iii and 78 – Detailed Assessment of East of England Waste Arisings - Urban Mines Report, March 2009).

Relevance of the Essex Waste Management Partnership PFI OBC July 2009

6.20 The need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable but because ECC did not have control over it, whereas it did control the Basildon site which now forms the sole reference project site. The reference project does not preclude tendering for the ECC MSW contract based on the Basildon Site and/or an additional site, such as the application site. (Paragraph 4.3.19 Document CD/8/6). ECC confirms that both the RCF and eRCF would provide suitable technologies for the proposed ECC waste contract which is explained in the JMWMS at section 4.6 (Document CD/8/2). The applicants will be taking part in the forthcoming public procurement exercise by ECC, involving the application site, whether with the RCF or the eRCF.

6.21 The application site is acknowledged as part of the "competitive landscape" for PFI procurement and is referred to under that heading in the OBC 2009 at paragraph 4.3.4. The OBC does not include provision for C&I waste which lies outside the WDA's duties, although ECC as WPA is required to take account of the need to provide for facilities for such wastes. The OBC 2009 therefore only makes provision for one part of Essex's waste needs and comprises less than 1/3 of the planned budget for ECC's waste, as indicated in Document GF/24.

6.22 Although objectors to the application proposal have made frequent reference to existing and potential increases in recycling, kerbside collections, composting, the provision of local facilities and the like, it is important to recognise that waste does not treat itself and facilities such as the eRCF are required in order to allow ECC to meet its waste targets and to increase still further recycling, treatment and recovery of waste. The proposals will assist in, and not obstruct, a continued increase in recycling and recovery of waste. The PPS10 advice for communities to take greater responsibility for their waste does not obviate the need to make provision for facilities such as the eRCF for the county generally or to meet ECC's share of London's waste.

Waste arisings

6.23 Whether or not the RCF or eRCF were originally proposed for MSW and/or C&I waste is irrelevant, as the applicants have made clear that both facilities could deal with MSW or C&I or both. The document submitted in support of the RCF application considered C&I waste at some length and made it clear before planning permission was granted that at least some of the waste to be dealt with would be C&I. (RCF Supplementary Report at Document CD/3/6, Section 5).

6.24 The treatment capacity gap for C&I waste is such that even if the applicants do not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The first two tables at Document GF/24 show an overall treatment capacity gap (i.e. need) of between 412,762 and 537,762 tpa even on the basis that there is development of both the Basildon Site and the RCF/eRCF. This need is agreed by EEC. Even on the basis of the ERM Reports (Documents CD/10/3 and

10/4) the deduction of the treatment sites agreed with the LCG witness would give rise to a need/capacity gap of at least 326,800 tpa.

6.25 The relevant figure for determining the appeal is, in fact, the 3.7 mtpa in 2020/21 apportioned to Essex by the EEP Policy WM4. The draft figures in the EERA Report of July 2009 (Document CD/5/2), which forms the basis of the consultation currently under way, and those in the ERM Reports, have not yet been subject to the results of consultation and examination and are at a very early stage of consideration. They therefore carry little if any weight and do not provide a justification for departing from the RSS figures having regard to the clear guidance of the Secretary of State in PPS10 at paragraphs 13 to 15.

6.26 The capacity gap which would remain on the basis that both the Basildon and RCF/eRCF facilities are provided would have to be met by other sites. Only 3 of the WLP allocated sites have come forward despite the Plan being adopted in 2001. The allocations are of more than 10 years' standing if the draft plan is considered. The 3 sites which comprise the application site, the Basildon site and the permitted Stanway site, will not meet all of Essex's waste management needs.

6.27 The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead (Document CD/15/5/B) is considered at Document GF/40. There has been no planning application for such a proposal and it is at an embryonic stage. It does not affect the conclusions of the overall analysis of the need for waste treatment facilities in Essex.

*Alternative approach - the ERM Reports (Documents CD/10/3 and 10/4)*

6.28 The EEP EiP Report (Document CD/5/7 Chapter 10) does not discuss the methodology or the details of the ERM assessment and cannot be regarded as an endorsement of any specific methodology. In any event, the RSS being at a higher strategic level is likely to have been based on higher level data and not subject to the sort of detailed local information and scrutiny which will be the case with the Essex and Southend waste plan. Notwithstanding this, the key is in the detail and reliability of the data. The EiP's judgment on the reliability of the data for the RSS says nothing about the reliability of the data in the reports of ERM produced for ECC.

6.29 Those who are familiar with the sites referred to in the ERM Reports, are critical of the lack of practicality or realism in the assessment of existing capacity. It is clear from the examples identified at the inquiry that reasonable care has not been used in drafting the "final" ERM 2009 report. The pet crematoria in the 2007 list of sites (Table 3.2, ERM 2007) were plainly unsuitable for inclusion. The Schedule at page C2 of the 2009 ERM report included permitted sites, whereas it was intended to show sites with a committee resolution to permit subject to legal agreement. Table 3.3 on page 16 of that report did not have figures which properly corresponded to the schedules at pages C1 and C2. The 888,000 tpa figure in that table may be accounted for by Rivenhall plus part of Basildon, but it is unsatisfactory to have to make such assumptions. It should also be noted that the arisings figures used are estimates based on figures derived from Urban Mines which in turn are derived not from East of England figures but a report from the North West.

6.30 In contrast, the applicants' assessment, which gave rise to the waste flow models at Document GF/4/B/4, considered sites in terms of what they are reasonably

capable of doing. For example transfer sites were assessed by their ability to sort materials and send such material direct to market. Moreover, EA data on actual throughputs was utilised.

6.31 Having regard to the guidance at paragraphs 13-15 of PPS10 in relation to plan reviews, the draft figures from EERA and ERM reports carry little or no weight. Moreover, as the standard of the 2009 report is not one which would normally be expected to be provided to a client, it should be given no weight in the consideration of the need case.

#### Conclusions on general need

6.32 The application site is plainly needed to meet the significant shortfall in Essex's current and future capacity to deal with waste. The proposal is on an allocated site in a preferred location, albeit with a larger footprint, which already has the benefit of an implementable permission for a similar scale and type of development.

#### The Paper Pulp Facility

6.33 The Pulp Facility (MDIP) is a further waste management facility. It would produce a product that directly replaces virgin fibre pulp in mills producing printing and writing paper (P&W). The applicants envisage concentrating on producing pulp for P&W rather than tissue. The MDIP would utilise the waste heat and steam from the CHP plant, reduce the use of virgin trees, avoid reliance on landfill, and associated methane production, and result in energy and CO<sub>2</sub> savings by virtue of the use of waste rather than virgin paper.

6.34 Around 13.15mtpa of waste paper, card and packaging is available for recovery in the UK. In 2008, 8.8m tonnes was collected or sorted for recycling, of which 4.18m tonnes (45%) was used in UK paper or board mills. The remainder was exported, principally to China (Document GF/24). Very little recovered medium and high grade papers are recycled for P&W because most goes to tissue mills, or is exported, and UK P&W production capacity utilising recovered paper is very low. More could become available if a ready supply of pulp were to be made available. In the UK, there are no pulp facilities comparable to that proposed and only two in Europe as a whole. There are a number of factors (e.g. procurement initiatives and social responsibility programmes) which would drive the market for P&W production utilising recovered paper.

6.35 The proposal would help to avoid sending paper waste overseas, and reduce reliance on virgin wood pulp from abroad.

6.36 With regard to the availability of feedstock, there is an ample supply within a wider area than the East of England. Moreover, there is no rational planning or sustainability/carbon reduction basis for confining 80% of the feedstock to the Region since there are as many locations within London, the South East and East Midland Regions which are as accessible to the application site as many parts of the East of England. Modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste. Distance from source is a more logical basis for a planning condition than the boundaries of the Region. Notwithstanding this, no adverse consequences have been identified if the MDIP was not run at capacity.

6.37 There is a considerable resource of potentially available P&W feedstock in the East of England Region which could be targeted given national policy in WSE 2007 and commercial incentives. It is not expected that the facility would deal with waste primarily from outside the region. The following factors are noteworthy when considering feedstock:

- i. At present 180,000 tpa of feedstock is provided to the former M-Real plant in Sittingbourne which will cease to operate for high quality grade paper from P&W waste by 2011. That plant is proposed to go over to the production of packaging quality paper as indicated in Document GF/30.
- ii. The 2009 Urban Mines Report identified about 713,000 tpa of paper and card currently going into landfill in the East of England (Document CD/10/1 Page 78). Urban Mines noted that, along with other materials, this represents a potential resource for recycling, composting or energy recovery, should the requisite separation and treatment regimes and facilities be in place. Bearing in mind that about 36% of paper and card consumed in the UK is P&W (Document GF/24) it can be assumed that about 257,000 tpa P&W goes to landfill in the East of England. There is therefore potential for further recycling and recovery.
- iii. 1,879,174 tpa of paper and card is exported through the East of England out of Felixstowe and Tilbury (Document GF/4/B/20) of which 304,186 tpa is sorted. There seems no good reason why waste which is currently passing through the East of England should not be processed at the application site if competitive terms could be offered.

6.38 The eRCF would be able to receive and process P&W recovered in the East of England Region as its presence would provide collectors with a more financially attractive destination than alternatives further afield. Processing high grade paper in the UK is plainly preferable to shipping it abroad (where the majority is used for newsprint or packaging), or sending it to landfill in the UK. Seeking to recover the waste more sustainably is in accordance with the key initiative to increase paper recycling in WSE 2007 at pages 51 and 55.

6.39 Based on discussions with paper producers and suppliers, and the advice of specialists such as Metso and Pricewaterhouse Coopers (Document GF/4/D/1), it would be possible to produce pulp to an appropriate quality at a competitive price. Document GF/31 indicates that the applicants' potential partners are keen to set up a closed loop recycling process and thereby encourage the return of used paper to their customers. There should be little need to seek feedstock that is currently being delivered to tissue mills.

6.40 There is an overwhelming need for both the proposed MSW and/or C&I waste treatment capacity including the Pulp Facility. The assertion that the proposals are not commercially attractive is unfounded given the strong interest of the commercial market in both the RCF and the eRCF, and the need for the Pulp Facility, which is supported by the World Wildlife Fund (Document GF/4/D/5).

#### *Viability issues and the paper pulp facility*

6.41 Objectors submit that they have seen no evidence that the MDIP proposal is financially viable. However, the relevant figures are commercially confidential as the

applicants are currently in negotiations regarding the proposal. In general the planning regime does not require a developer to prove viability. Nevertheless, the information provided at Section 2 of Document GF/4/C and the documents referenced therein should enable the SoS to be satisfied that there is no issue with regard to the viability of the MDIP. The capital cost of the MDIP would be less than a stand alone facility because it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. There is genuine commercial interest in the eRCF proposals from potential operator partners and key players in the waste industry, as evidenced by the letters produced at Document GF/4/D and GF/26.

6.42 The issue of viability has arisen primarily because of EEP Policy WM3. This acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. It indicates that 'Allowance should only be made for new non-landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit, such as the provision of specialist processing or treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes.' Viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*" it being accepted that there is a clear benefit from the specialist facilities which the MDIP would provide.

6.43 The site would not be dealing *primarily* with waste from outside the catchment (which must mean more than 50%), only a proportion. The restriction in Policy WM3 therefore does not apply, although the recognition of the role of the specialist facility remains relevant.

#### *The relationship between planning and environmental permitting*

6.44 The relationship between planning and permitting is clearly set out in PPS23 paragraph 10. Amongst other things this indicates that 'The planning system should focus on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.'

6.45 The acceptability in principle of the proposal must be shown in land use planning terms. It is therefore appropriate to demonstrate that the impacts on the environment, human health and other related matters can be adequately controlled, managed and monitored by the EA, dealing with the technical issues of the process, and that any necessary mitigation and control of pollution can be undertaken through the EP process.

6.46 As noted already, the EA does not consider there to be an issue in principle with the acceptability of the proposed eRCF. The EA's e-mail of 5 October 2009 (Document GF/28) explains why an application for an EP is not practicable at the moment. There is no legal or even policy requirement for the EP to be submitted contemporaneously with the planning application and in a case such as the present where the process is protracted due to call-in and the need to enter into a contract with an operator, it is not surprising that the EP application has not been run in parallel with the planning application.

6.47 However, a significant amount of work has been carried out to assess the likely impacts of the proposals on matters such as air quality and the control of emissions, as can be seen from the component parts of the ES. The EA has been involved in discussions with the applicants throughout the design, modelling and application process. The recent EA letter (Document CD/15/7), to the extent that the EA has properly understood the changes and the Addendum, shows that some additional work would be needed for the EP, though it does not show any objection in principle to the proposals. The EA letter refers to the stack heights of 2 energy from waste (EfW) plants elsewhere. However, the buildings associated with those plants are substantially taller than the proposed eRCF building, and cannot be directly compared with the application proposal. The lower height of the eRCF building would result in a lower stack than would otherwise be necessary.

6.48 Notwithstanding this, the EA has sent a subsequent letter dated 22 October 2009 (CD/16/1), whereby it confirms that it does not object to the proposed eRCF. As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. This could be achieved by means other than increasing the stack height. In fact, dilute and disperse using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions, with preference given to abatement and the reduction of emissions at source. The applicants would need to demonstrate that the predicted impact from the eRCF would not result in a significant increase in pollutant concentrations. Where necessary, additional controls could be used to reduce emissions. This is recognised in the latest letter from the EA which indicates that *'there may be other options available to the applicant to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits...'*.

6.49 The H1 document referred to by the EA in its letter of 13 October 2009 is a consultation document and the Environmental Assessment Levels (EALs) proposed in that document have not been formally accepted. Nevertheless, should these be formally adopted, the applicants would need to demonstrate to the EA that there would be no significant worsening of air quality with respect to these EALs. With regard to the EALs for some of the trace metals, it has already been demonstrated that assumed trace metal emissions from the CHP plant have been substantially overestimated. The CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality.

6.50 The detailed environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. The assessment is based on the most reasonable worst case and demonstrates the appropriateness of a 35 m stack height (above existing ground levels) in terms of air quality, human health and landscape and visual impacts. After discussions with the EA (following their letter of 13 October 2009), the applicants remain confident that even if more stringent emissions limits were imposed through the permitting process, a 35 m stack height would be achievable by means of the Best Available Technique (BAT) at that time. Nevertheless, in the unlikely event that the height of the stack is required to increase by 5m (i.e. up to a height of 40 m above existing ground level), visual material has been presented to determine whether such an increase in stack height would be acceptable in landscape and visual impact terms. If planning permission were



granted, the Inspector, the SoS and the general public can be confident that the EA would ensure that any environmental risk would be adequately managed.

6.51 There is no reason to believe that the proposed technical mitigation measures could not be dealt with satisfactorily at the EP stage and thereafter monitored, enforced and reviewed where necessary by the body with the appropriate technical expertise to deal with such issues.

*Issue 1: The Development Plan*

6.52 Whilst the application falls to be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise, a breach of one or even several policies does not mean that the proposal considered as a whole is not in accordance with the DP. Moreover, the materiality of the fallback position may render any such breaches of little consequence since they are likely to occur in any event.

6.53 The statutory development plan includes the EEP, WLP and BDLPR. Only the EEP is up-to-date. Key portions of the WLP are not consistent with PPS10. For example, policies in the WLP rely on BPEO, whereas the Companion Guide to PPS10 (document CD/6/6/A) makes it clear at paragraph 8.26 that there is no policy expectation for the application of BPEO, and that requirements should not be placed on applicants that are inconsistent with PPS10. Furthermore, it is not the role of a development control planning inquiry to revisit the figures in the RSS for waste and regional waste apportionments, other than in accordance with the advice at paragraphs 13 to 15 of PPS10. To do otherwise would destroy the certainty which PPS10 requires, and undermine the statutory role of the RSS.

6.54 The need for the proposal has been demonstrated above. In the light of that need, the eRCF would enable delivery of the waste management objectives in EEP Policy WM1 and achievement of the recovery targets in EEP Policy WM2. It would make a major contribution to the meeting of the Landfill Allowance Trading Scheme (LATS) targets and would deliver a solution consistent with the JMWMS. It would minimise the environmental impact of waste management; manage waste as a resource; and help to secure community support and participation in promoting responsible waste behaviour. It would secure the wider environmental and economic benefits of sustainable waste management and assist almost immediately in the meeting of the Government's targets for reducing greenhouse gas emissions.

6.55 The MDIP proposal is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK.

6.56 The eRCF would assist ECC in managing its apportionment, set out in EEP Policy WM4, in a manner which would be in accord with EEP Policy WM5. The eRCF proposal accords with the objectives of EEP Policy WM5 insofar as it would be developed at the preferred location WM1 identified in Schedule 1 of the WLP. The needs tests in WLP Policies W3C and W8A would also be met.

6.57 Objectors to the eRCF contend that the site does not comply with the DP for two principal reasons. Firstly, the application site extends considerably beyond Preferred Location WM1 and, secondly, the proposal would introduce an industrial

process onto a site part designated for waste management facilities contrary to BDLPR Policies 27 & 78. Other potential conflicts relate to assessments of the impact of the proposals and the mitigation measures, which are dealt with under specific subject headings, below.

*WLP Allocation WM1 and the size of the site*

6.58 The WLP and the BDLPR, unlike the EEP, are not in all respects up-to-date and do not reflect PPS10. There is reliance on BPEO which was removed from national policy and replaced by the requirements of PPS10. The RCF permission is an indicator that the eRCF should be accepted in planning terms and forms a robust fallback position. The WLP is 9 years old and based on data which is even older. The site allocations were formulated no doubt in the light of a different policy landscape for waste and different figures regarding arisings which had to be dealt with within the plan area.

6.59 The views of the EERA Regional Secretariat on the RCF are set out in a report to the regional planning panel sub committee dated 19 January 2007 (Document CD/3/2). This comments on the difference in scale between the RCF and the allocation in WM1, and states that the difference in the size of the site compared with the allocation is acceptable in strategic terms. Given the scale of the existing need and the benefits of providing the integrated eRCF, the difference in the size of the site required for the eRCF compared with the allocation is equally justified.

*Whether the MDIP is a Waste Treatment or Industrial Facility*

6.60 The question of whether the MDIP should be classed as an "industrial" facility is a red herring. The focus of BDLPR Policy RLP 27 is on the strategic location of employment generators and traffic, and not whether a use is characterised as "business", "commercial" or "industrial". The BDLPR does not regulate waste development and, in the light of WLP WM1, waste development on the application site would not be a breach of the DP. The eRCF is a waste facility and therefore is not in breach of RLP27. Moreover, the RCF is as much an employment generator and generator of traffic and there is little difference between it and the eRCF.

6.61 The MDIP would be a waste management facility integrated with other such facilities. Its presence would make no difference to the size of the application site, and its claimed non-compliance with Policies RLP27 & RLP78 is, on that basis, irrelevant. Co-location of waste management facilities and other industrial processes accords with PPS10 and EEP Policy WM1 and secures major benefits, including savings in energy consumption and reduction in CO<sub>2</sub> emissions.

6.62 In terms of the WSE 2007 (Document CD/8/1) the recycling of paper waste is as much a priority as other forms of waste management which recycle and recover waste in accordance with national and EU policy. WSE 2007 is more than simply guidance. As it notes on page 6, the waste strategy and its Annexes, together with PPS10, is part of the implementation for England of the requirements within the Framework Directive on Waste, and associated Directives, to produce waste management plans. These are the national level documents of a tiered system of waste planning in England, which together satisfy the requirements of the various Directives.

6.63 Page 13 of the WSE 2007 indicates that key waste materials have been identified where diversion from landfill could realise significant further environmental benefits. It indicates that the Government is taking action on various materials including paper, and that it is establishing with the paper industry an agreement with challenging targets to reduce paper waste and increase paper recycling. At pages 52-53, paper and card are identified as being among the priority waste materials which offer the greatest potential for reduction in greenhouse gases from increased recycling and recovery.

6.64 A district local plan does not deal with waste management facilities. Notwithstanding this, the concerns of the LCG with regard to the MDIP in relation to BDLPR Policies 27 and 78 should apply equally to the treatment of other waste materials at the eRCF, including the production of SRF through the MBT and composting through the AD. All of these processes treat waste materials and end with a recovered product. Under EU waste legislation and policy, waste remains waste until it is recovered (i.e. converted by the recovery process into some beneficial product). Accordingly, while the pulp resulting from the process would be a saleable product, until it has gone through the treatment process and been recovered, it remains waste and the processing through the MDIP is a waste management process.

6.65 The character and use of the proposals as a whole, including paper treatment, is that of a waste management facility. This is wholly consistent with the RSS Policy WM5 and WSE 2007. Permission is not sought for any general industrial facility. A similar sized waste facility, albeit without the MDIP, has been permitted in the form of the RCF. Policy RLP27 is concerned with employment and traffic, and this will arise in any event through the RCF. ECC accepts it is questionable whether the proposals represent a departure from the DP in relation to Policy RLP27, and it was only treated as such by ECC on a precautionary basis.

6.66 With regard to the claimed breaches of policy relating to agricultural land, countryside policies and the like it is relevant to note that PPS7 and PPS10 have to be read together in the light of sustainable waste management strategy. Moreover, the BDLPR does not consider waste management issues and, notwithstanding this, the RCF has very similar impacts. National policies, such as those in PPS7, also require regard to be paid to weighty issues such as sustainable waste development and the need to address climate change. These matters are addressed by the application.

#### *Highways and transportation*

6.67 It is reasonable to anticipate that the eRCF would generate no more than 404 daily HGV movements, particularly as there is potential for lorries that deliver material to the site to be used for carrying material from the site (i.e there is potential for back hauling). The operator would have control over deliveries and the despatch of material to and from the proposed plant, and there is no reason to believe it, or the hauliers themselves, would wish to operate on the basis of sub-optimal loads. Data from the inputs for the EA's 'WRATE' Life Cycle Assessment Model are an unsatisfactory substitute for the knowledge of experienced waste hauliers, which was used by the applicants.

6.68 Notwithstanding this, there has been no suggestion that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. The dispute about HGV numbers primarily relates to concerns about the capacity of the proposed MDIP.

6.69 Braintree District Council resolved, despite the Highways Agency's position and without the benefit of advice from a highway engineer that it would object to the eRCF on the sole basis, in this context, of the impact of resulting HGV flows on the capacity and safe operation of the A120. However, transport planning policy indicates that facilities such as the eRCF should have good access to roads high up the roads hierarchy, and Trunk Roads should therefore be expected to accept increased traffic flows associated with it. The Highways Agency's decision not to object to the eRCF was founded on current guidance (see Document GF/10/F).

6.70 The application site is the only one of the preferred waste sites listed in the WLP to have the benefit of direct access onto the Trunk Road network. It is accepted that the A120 Trunk Road is busy and some sections operate in excess of their economic design capacity and have reached their practical capacity. However, this occurs at peak times and the road should not be regarded as unable to accommodate additional traffic. Traffic to the eRCF would avoid peak hours where practicable. Most of the traffic attracted to the eRCF would not coincide with the peak hour periods on the A120. Notwithstanding this, the catchment area for the waste arisings suggests that an alternative elsewhere would attract increased traffic flows on the A120 in any event.

6.71 The junction of the extended Bradwell Quarry site access road, which would be used to access the site, and the A120 would operate satisfactorily in the relevant design year (2018). Subject to the imposition of the proposed restriction to 404 HGV movements daily, there would be no material difference between the RCF and eRCF in terms of impacts on the capacity and safe operation of the A120.

6.72 The junctions of the access road with Church Road and Ash Lane will be improved. Both crossings have a good safety record, and the proposed improvements have the potential to further improve their performance.

6.73 Visibility on the Church Road south approach has been identified as the most critical sight line. It is agreed that the standards set out in Manual for Streets is applicable as this is a lightly-trafficked rural road. This document requires a minimum 60m 'y distance', which is achievable. No substantial issue remains in respect of these minor road crossings.

6.74 Objectors have also expressed concern about the possibility of HGVs diverting onto local roads and travelling through local villages. However, as indicated above, HGV deliveries and despatches to and from the site would be under the control of the plant operator and the proposed HGV routing agreement, which would be effective from the opening of the plant, would ensure that rat-running would not occur under normal circumstances.

6.75 In conclusion, it has been shown that the proposal accords with relevant development plan policy in the EEP (Policy T6), the WLP (Policies W4C, W10E & W10G) and the BDLPR (Policies RLP 49, 50, 52, 53, 55 & 75), bearing in mind, so far as the BDLPR is concerned, that the proposed development has specific

characteristics and locational requirements which should be taken into account when assessing compliance with these policies. There is no material difference between the RCF and eRCF in highways and transportation terms.

### *Landscape and Visual impact*

6.76 The landscape character of the application site and its surroundings is derived from its use as a World War II airfield and an existing large quarry. The heritage significance of the airfield is assessed at Document GF/32. Although it is of some local historical significance, much of the airfield and its military buildings have disappeared and consequently it is not considered to be a particularly good surviving example of a World War II military airfield. The quality of the landscape is ordinary; its character as Essex plateau farmland has been degraded, and its sensitivity to change reduced. As the site lies on a high open plateau the perceived visual envelope of the development would extend over a considerable distance. However, there are relatively few residential properties within this envelope. The site does not lie in a designated or nationally protected landscape area, though the existing site access road passes through the Upper Blackwater Special Landscape Area which is subject to the protection afforded by BDLPR Policy RLP79. Isolated woodland blocks assist the application site's visual containment and all trees on site are protected.

6.77 The proposed facility would have few sensitive visual receptors. There are no residential properties in close proximity to the proposal and of the footpaths within the development's visual envelope, only FP8 passes in close proximity to the proposed eRCF building. The principal means of minimising the visual impact of the proposed buildings and integrating them into the landscape would be as follows:

- (i) their construction would be largely below existing ground level;
- (ii) the facility would be no higher than the existing hangar with the building design reminiscent of it;
- (iii) cladding materials would be dark and recessive;
- (iv) the substrate of the green roof would be colonised with mosses and stone crops;
- (v) the retained woodland would be managed to improve its diversity and screening quality, and new woodlands would be created; and,
- (vi) new hedging would be planted along the northern site boundary and sections of the proposed access road.

6.78 Only one property (Deeks Cottage) would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation. Over the same period, only 4 other individual properties (The Lodge at Allshot's Farm, Haywards, Heron's Farm and Sheepcotes Farm) and a limited number of properties on the eastern edge of Silver End would experience minor adverse visual impacts. Users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. These impacts would generally arise as a result of the new building projecting above the confines of the existing woodland screen. The proposed new hedging and woodland would take time to mature, but within 15 years they would adequately screen the proposed facility (other than the upper section of the stack) from nearby visual receptors.

6.79 Objectors have expressed concern about the possibility of dewatering of the existing woodland that would be retained adjacent to the excavation which would accommodate the eRCF. However, clay is the dominant material in the soils beneath the woodland blocks. The woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The woodland trees are not dependent upon the groundwater locked in any aquifer below ground, but are reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any dewatering related effects that occurred in the sand and gravels would not have an impact upon the woodland trees.

6.80 Notwithstanding this, it cannot be entirely discounted that the proximity of the proposed retaining wall to the trees would not have some impact on the water regime which is critical to the trees, particularly during construction. As a precautionary measure, selective coppicing would be undertaken to reduce the water demand of the trees closest to the wall. This would reduce transpiration and make the coppiced trees better adapted to any potential reduction in water supply. Such management would in any case be complementary to the management likely to be prescribed for increasing biodiversity in the woodland habitat, delivered in accordance with the Ecological Management Plan.

6.81 The development of the CHP capacity necessarily involves the provision of a chimney stack. It is acknowledged that this would be a noticeable addition to the landscape, and would be visible over a wide area given the Site's location on a high, flat plateau. However, it would be seen only as a small element of the overall view, although it is accepted that users of FP8 in particular would be conscious of the presence of the stack and associated plant. The impact of the proposed stack would be mitigated by:

- (i) the quality of the landscape in which it would be sited and its reduced sensitivity to change;
- (ii) the lowering of the stack into the ground resulting in height of only 35m above ground level;
- (iii) the cladding of its upper part in stainless steel with a reflective finish to mirror surrounding light and weather conditions, which would help to minimise the perceived scale of the stack and its visual impact;
- (iv) the presence of existing and proposed additional woodland to the south - it would protrude about 20m above the average height of the retained existing trees;
- (v) its remoteness from sensitive receptors; and,
- (vi) the absence of a visible plume.

6.82 Because the eRCF would be located in a light sensitive area, detailed consideration has been paid to minimising the risk of light pollution. Measures that would be taken include the installation of external lighting below surrounding ground level, the direction of light being downwards, and the avoidance of floodlighting during night time operations. Timers and movement sensitive lights would be fitted to the exterior of buildings to provide a safe working environment when required. The plant would only operate internally at night.

6.83 The proposed extension to the existing access road would be constructed in cutting and would run across the base of the restored quarry, therefore lights from vehicles travelling to and from the eRCF within this section would be screened from

view. An independent review of the lighting proposals (Document GF/2/D/2) puts forward a number of recommendations to further minimise the impact of external lighting and concludes that with the incorporation of these amendments the impact of the eRCF on the night sky would be minimal. The Technical Note on Lighting (Document CD/17/1), prepared in response to the objectors representations at Document CD/16/4 indicates that the final lighting design would conform to the requirements of any planning conditions. However, it is intended that:

- luminaires located around the eRCF buildings would be fixed at a maximum height of 8m above the finished surface level of the site;
- there would be no upward light from use of the proposed flat glass luminaires mounted at 0° tilt;
- the weighbridge would be illuminated;
- the lighting installation would be fully compliant with the requirements of the proposed 18.30 to 07.00 curfew;
- there would be no need to provide illumination of the 'high level access road' as maintenance and repairs in and around this area would be provided during normal daytime working hours; and,
- internal lights would either be switched off or screened by window coverings during night time operations.

6.84 The final design of the lighting scheme would incorporate these amendments, subject to conformity with the requirements of planning conditions.

6.85 In conclusion on the overall subject of the impact on the landscape, it is accepted that visual harm is inescapable in the context of the provision of a major waste management facility. However, the issue is one of degree. The degree of harm that would result in this instance is remarkably limited. The low levels of visual impact arising from such a large-scale proposal confirm that this site is ideally suited to the proposed use. It is concluded that the eRCF proposal accords with relevant policies in EEP (Policies ENV2 & ENV5), WLP (Policies W10B, Q10E & W10G) and BDLPR (Policies RLP 36, 65, 78, 79, 80, 81, 86, 87 & 90).

6.86 A postscript arises in the context of landscape and visual impact. Should it be necessary for the stack to rise 40m above ground level, the additional 5m would be imperceptible and have no impact on the appraisal of landscape and visual impact in the ES. The SoS is invited to confirm that he would not regard the addition of 5m to the stack as itself unacceptable.

### *Ecology*

6.87 The baseline surveys revealed a number of species of nature conservation value and habitats of interest on the site, including semi-improved neutral grass land, semi-natural broadleaved woodland, the River Blackwater, ponds inhabited by great crested newts, and a variety of bird species and bats. Development of the eRCF would result in the removal of some of these habitats and disturbance to associated flora and fauna, but significant areas of habitat would remain. Significant mitigation, compensation and enhancement measures are proposed to address the effects of the eRCF.

6.88 The applicants are committed to a range of ecological enhancements that go beyond compensation. These measures include:

- 3.4ha of proposed new woodland;

- 2km of hedgerow planting linking to semi-natural habitats off-site;
- the creation or enhancement of about 7.8ha of open habitat to be managed for nature conservation (2.8ha species-rich neutral grassland and about 5ha of open habitat incorporated into the green roofs); and,
- ponds managed for great crested newts and buildings refurbished to provide specific roosting opportunities for bats.

6.89 The positive management of existing habitats for nature conservation would provide immediate benefits and, as newly-created habitats become established and available for management, the scope exists to contribute significantly towards biodiversity targets set in the EEP. The Ecology Summary Table at Document GF/8/B/1 shows a positive residual impact for three of the key habitat features at the Site, namely woodland, scrub and hedgerow network; open habitats; and ponds, which would support great crested newts. Disturbance to legally-protected species would be minimised or avoided.

6.90 NO<sub>x</sub> concentrations as a result of emissions from the eRCF would be very small and the impact on vegetation would be negligible. Predicted concentrations as shown in Document GF/6/D are less than 2% of the critical level for the protection of vegetation.

6.91 The proposed additional woodland planting would take several years to mature; but it is nonetheless apparent that the introduction of active management would result in immediate biodiversity benefits. Cumulatively, the eRCF would result in a positive residual impact, as reflected in the Ecology Summary Table at Document GF/8/B/1. In terms of development plan policy, the eRCF accords with EEP Policy ENV3 and WLP Policy W10E, and accords or does not conflict with BDLPR Policies RLP 78, 80, 81, 82, 83 & 84. There are additional positive benefits to biodiversity as a result of the eRCF compared with the RCF.

### Issue 2: Design

6.92 The approach to the design of the eRCF is described in the Planning Application Supporting Statement (PASS) and the Design and Access Statement. A site appraisal was undertaken at the outset, in accordance with BDLPR Policies RLP 90 & 91. It confirmed that the proposed design should reflect and enhance the local distinctiveness of this location in accordance with PPS1, 7 & 10. The design reflects that of the World War II hangars. Dark coloured cladding materials are proposed because they are recessive in the landscape and the building would be viewed against a dark backdrop of existing woodland. Construction of the roof as a green roof would further reduce the building's visual impact.

6.93 Another key concern driving the design has been the minimisation of the extent of visual intrusion. The sinking of the main building into the ground, retaining and supplementing peripheral trees and planting, and the use of a long, low, continuous profile have been employed as means to this end.

6.94 The design principles, location, layout, scale, dimensions and exterior design of the eRCF are essentially the same as the RCF, with a deliberate intention to minimise the changes between them, other than to enhance the project. CABE commented in a consultation response dated 25 October 2006, albeit in relation to the RCF, that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground



raised no concerns (Document GF/2/B/1). CABE was consulted specifically on the eRCF but did not respond, which suggests that CABE has no objection to the latest proposals.

6.95 A comparison of the RCF and the eRCF shows that the only significant change is the addition of the CHP stack. The objectors' focus on this feature supports this conclusion.

6.96 The design aspects of the proposal are appropriate for the location and provide reasonable mitigation for the visual impact which any waste facility of this kind is bound to have. Accordingly the proposals comply with design guidance in PPS1, and the principles set out in 'Designing Waste Facilities' (DWF) (Document CD/8/9), albeit that they inevitably pre-date that document. In particular, the eRCF embraces the design attributes of: functionality in use; build quality; efficiency and sustainability; designing in context; and aesthetic quality. Whilst each waste management process within the eRCF would benefit from its integration with others, there is sufficient capacity in each of the key processes to allow for variation thereby providing flexibility of use. Document GF/38 describes the flexibility of capacity which is inherent in each of the processes. The design of the MRF allows for upgrades in the eRCF's process which would meet potential changes in the type and composition of waste imported to the site. The MBT would have five autonomous process lines. In relation to the MDIP, minor modifications could be made to allow tissue paper pulp to be produced and opportunities exist to introduce a secondary treatment of the sludge arising from the de-inking process to recover a valuable secondary aggregate suitable for re-use within the aggregates market.

#### *Design for climate change*

6.97 The Climate Change Supplement to PPS1 requires proposals to make a full and appropriate contribution to climate change. Reducing carbon emissions forms part of Defra's waste strategy (CD/8/1) and part of ECC's JMWMS (Document CD/8/2)

6.98 Detailed computer modelling to assess the overall carbon balance, or global warming potential of the proposal, expressed in kg of CO<sub>2</sub> equivalents has been undertaken using the EA's WRATE Life Cycle Assessment Model. In order to compare results, 3 scenarios have been modelled, namely the baseline case (without either the eRCF or the RCF); inclusion of the RCF; and inclusion of the eRCF. The assessment indicates that the eRCF proposals would result in a significant reduction in emissions of CO<sub>2</sub>. Following discussions with an expert on WRATE from ERM, the carbon benefits of the proposals are agreed and set out in Document GF/27. This indicates that the total savings of CO<sub>2</sub> by 2020 would be in excess of 70,000 tpa. This compares favourably with the 37,000 tpa savings from the RCF and even more favourably with the baseline scenario. The baseline scenario is identified as saving 4,117 tpa of CO<sub>2</sub> in 2020 partly on the basis of active waste recycling programmes already in place in Essex. However, the baseline savings are only 6% of the savings which the eRCF would produce. The eRCF scenario has a considerably greater environmental performance than the other scenarios modelled.

6.99 It has been suggested that decoupling the CHP, the MDIP and the RCF would have advantages. However, this fails to recognise that the eRCF power supply to run the entire plant is self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme

would require 25MW of electricity from the National Grid, (with a higher carbon footprint), to power the waste management processes. Moreover the heat output from the CHP would be substantial.

6.100 The UK Renewable Energy Strategy (Document CD/8/4) sets out the Government's target to produce 15% of our energy from renewables by 2020 and identifies the planning system as central to its achievement. PPS22 makes clear that energy from waste is considered a source of renewable energy provided it is not the mass burn incineration of domestic waste. Document GF/37 addresses the concern of FOE that the recovery of energy through the CHP may not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC (Document CD/4/2), which does not come into force until late 2010. An R1 recovery operation is where the waste is used principally as a fuel or other means to generate energy. The R1 category includes incineration facilities dedicated to the processing of MSW which have an energy efficiency equal to or above a figure of 0.65 for installations permitted after 31 December 2008. The energy efficiency figure is calculated from a formula set out in the Appendix to the Directive. The formula gives a figure of 0.7732 for the CHP to be provided at the eRCF, which easily meets the requirement for classification as recovery.

6.101 The use of SRF in the proposed CHP plant, whether from the Basildon proposals or the application site itself, and the export of electricity to the National Grid would therefore contribute to meeting the Government's target. This contribution is increased significantly by the proposed co-location of the MDIP and its proposed consumption of heat from the CHP plant. Granting planning permission for the eRCF is therefore in accordance with PPS22 and the UK Renewable Energy Strategy, as well as the WSE 2007.

*Issue 3: Whether the proposal is consistent with the advice in PPS7*

6.102 Amongst other things, the eRCF proposal involves the loss of 1.77ha of woodland and its replacement with 3.4ha of new woodland planting, including 1.2ha outside the application site. The design seeks to minimise visual impact and reinforce local distinctiveness, and to ensure that changes from RCF (in particular, the CHP stack) do not result in material visual harm. The eRCF proposal accords with the requirements of PPS7 to protect or enhance the character of the countryside.

6.103 The objective of siting development at a location where it can be accessed in a sustainable manner, and in particular by alternative modes of transport, should be addressed pragmatically. The proposed eRCF is not, by its nature, a development which would normally be expected in or on the edge of a town or other service centre. Moreover, there is an allocation for waste management development at this location. The key issue concerns HGV movements, rather than trips by employees or members of the public.

6.104 The impact of the proposal on the best and most versatile agricultural land must be balanced against other sustainability considerations. Soils stripped from agricultural areas would be re-used sustainably. Whilst the eRCF would result in the loss of almost 12ha of Grade 3a agricultural land, there would be a similar loss if the RCF were constructed. This loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. The permanent severance resulting from the extended access road would also occur in the RCF scheme. Woodhouse Farm is unoccupied,

and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime.

Issue 4: PPS10

6.105 The eRCF is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.

6.106 A number of misconceptions have been presented in the objections to the proposal. These should be rejected. It is suggested that PPS10 can be substituted in the WLP policies for BPEO. This is incorrect. If specific plan policies are out of date, then those policies (e.g. W7G) should be given little weight and the policies in PPS10 should be applied.

6.107 The concept of community engagement and self-sufficiency does not require that facilities should be directed solely to the local community, or even the district. In many cases, waste management needs to be carried out on a county wide basis. The eRCF would allow Essex to increase its provision of sustainable waste management and provide greater means to secure increases in recycling and recovery and reduce carbon emissions. It is true, as the FOE points out, that a continued increase on minimisation, recycling and composting will improve the UK's position in climate change terms and in the reuse of beneficial material, but the eRCF proposals are part of the means by which improvements in sustainable waste management could be realistically achieved. Development control inquiries are not the means to achieve policy change, as the FOE appears to think.

6.108 Moreover, although the community should be engaged by the process, and their concerns taken into account, it does not mean that there must be unanimous community support. As in the present case, concerns of the community have been met so far as possible in terms of mitigation measures. The community's needs for waste management would in part be addressed by the eRCF.

6.109 The S106 provisions would create a process for community liaison with regard to the operation of the eRCF. The applicants have agreed to supply emissions monitoring information through the liaison committee.

*Air Quality*

6.110 Objectors have incorrectly claimed that air quality impacts would not be assessed until the EP application is made. There has been a considerable degree of technical assessment of the air quality and health impacts of the proposal.

6.111 PPS 10 indicates that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Insofar as PPS10

advises that planning authorities should draw from Government Advice and research, the Health Protections Agency's recent publication of "*The Impact on Health of Emissions to Air from Municipal Waste Incinerators*" (September 2009) provides further reassurance (Document GF/9/D). That document indicates that "Modern, well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be small and not detectable." The human health modelling presented in Chapter 3 of the Addendum ES (Document GF/12) confirms that the risks to human health from the proposed eRCF are negligible since the predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark.

6.112 A comprehensive assessment of emissions to air from the proposed eRCF has been undertaken and described in Documents GF/6, Chapter 11 of the ES and the Regulation 19 Submission. Dispersion modelling has been used to predict airborne ground level concentrations. With a stack height of 35m, the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated. In the model analysis, metal emissions were specified in three groups. Group 3 consisted of nine metals, one of which was arsenic. It was assumed for the purposes of the model that each individual metal would be emitted at the emission limit for the group as a whole. This was an extreme worst case assumption, and clearly implausible, as it could result in an emission nine times the emission limit for the Group 3 metals. Using this overestimate, in conjunction with a particularly stringent air quality limit value for arsenic due to be implemented in 2012, resulted in an exceedance of the annual mean limit. However, given the unrealistic overestimate of arsenic emissions, it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack which would have limited benefit. Realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment.

6.113 Examples of contour plots using a single multi flue stack for various potential pollutants can be found at Document GF/6/B/13 and GF34. The impact of stack emissions from the eRCF would be controlled by the monitoring of stack emissions. This is a requirement of the Waste Incineration Directive (WID). The WID requires continuous monitoring of some emissions such as NO<sub>x</sub>, CO, particles, volatile organic compounds, HCl, HF and SO<sub>2</sub>. For others which cannot be monitored continuously, periodic monitoring on a twice yearly basis is required. Compared to monitoring at specific receptors, this has the advantage of providing emissions data for a wide area rather than at a few specific locations and ensures that emissions and modelling data relates to the emissions from the plant. It therefore provides a greater degree of certainty about the impact of the plant.

6.114 In the case of the eRCF, the critical stack height for a single stack option is about 25m in terms of the dispersal of emissions. Above 25m, the law of diminishing returns applies. Stack heights depend on a range of many different factors and there is no indicative stack height for facilities in general. The height of a building is often critical in determining the necessary height of an associated stack. A stack height of 35m is adequate to meet air quality standards and should satisfy the EA's requirements.

6.115 No visible plumes are predicted to be emitted from the stack. The plume visibility assessment assumed a moisture content of about 7% for emissions from the gas engine and CHP plant multi flue stack. Information on plume visibility is provided in the ES Addendum at Chapter 2, Appendix2-1 Section 8 (Document GF/12).

6.116 With regard to traffic emissions, the proposed 404 additional HGV movements are the same as that proposed for the RCF. Based on the current Design Manual for Roads and Bridges (DMRB) screening criteria, a detailed air quality assessment is required if there is a change in vehicle movements above a set threshold and there are sensitive receptors within 200m of the road. This is not the case for the eRCF. Nevertheless, in response to concerns about possible changes in the split of traffic on the A120, an assessment of the air quality impacts due to traffic was undertaken using the DMRB methodology (Document GF/34). This demonstrates that there are no air quality concerns with a revised traffic split of 63%/37% in terms of direction travelled. Even with an extreme assumption that all of the development traffic accessed the site from an easterly or westerly direction, predicted traffic related pollutant ground level concentrations would be very small, and it can be concluded that development traffic would not have a significant impact on air quality.

6.117 With regard to the FOE's concerns regarding PM<sub>2.5</sub> emissions, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM<sub>2.5</sub>) the predicted maximum concentration of such material would be 0.14 µgms/m<sup>3</sup> which is significantly less than the target value of 25µgms/m<sup>3</sup>. The predicted maximum concentrations of such material anywhere within the model domain are well below the target value and are effectively negligible (Document GF/6/D).

6.118 The deposition of pollutants to ground has been calculated to support the Human Health Risk Assessment (HHRA), which can be found in the Addendum ES (Document GF/12). That assessment indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA. Document GF/9/E indicates that additional modelling was undertaken to include the ingestion of homegrown pork, beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible as the predicted daily exposure for all contaminants would be less than the relevant toxicological benchmark.

#### *Noise, vibration, dust and odour*

6.119 All waste recovery, recycling and treatment operations would be conducted within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise. Vehicles would enter and leave the building through high speed action roller shutter doors. The buildings would be operated under negative pressure. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised. Bioaerosols and odours would be controlled contained, and managed, as would noise and dust.

6.120 No technical or other evidence has been provided which undermines the assessment of noise and vibration impacts, and the mitigation measures proposed for construction and operational noise, as set out in the ES at Chapter 12, the Addendum ES at Document GF/12, and the Written Representations in respect of Noise Impact Assessment by Daniel Atkinson at Document GF/2/D/1. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays, excluding Sundays and Bank Holidays. Processing would take place on a 24 hour, 7 days per week basis, but would be undertaken inside environmentally controlled buildings, partly constructed below surrounding ground level and 1.1km from the nearest settlement.

6.121 The summary in Document GF/2/D/1 indicates that there would be no significant impact from construction noise at neighbouring residential receptors. The three suggested methods of assessment given in BS 5228:2009 Part1: Noise, have been used to assess the impact of constructional noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A), and thereby considerably below the threshold of 65db(A) set out for daytime noise construction in the code of practice with regard to the 5 dB(A) change method. Moreover, the assessment of construction noise has been undertaken on a worst case scenario. As the construction would involve excavations, it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than those predicted. The concerns regarding vehicle reversing alarms and the sounding of vehicle horns could be adequately addressed by management controls, including for example broadband reversing alarms where the perceived impact of tonal reversing alarms does not arise.

6.122 With regard to operational noise, the summary indicates that noise levels would be very low both day and night. The assessment of the operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and for night time periods 22 to 30 dB(A). The subjective perception of noise levels in the range 25 to 35 dB(A) may be described as being the equivalent to a quiet bedroom or a still night in the countryside away from traffic. Such levels of noise would not have a material impact on the amenity of local residents.

6.123 With regard to the tranquillity mapping described by the CPRE, the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil (Document GF/35). The noise assessment has demonstrated that the current levels of peace and quiet would be maintained and proposals for lighting the new building would minimise light pollution into the night sky.

6.124 The change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1 dB(A).

#### Issues 5 & 6: Conditions and Planning Obligations

6.125 The main contentious issue is the proposed condition requiring 80% of the feedstock for the MDIP to be sourced from the East of England region. It is disputed that this is either necessary or appropriate in terms of planning, policy or climate

change objectives. The MDIP would be the only one of its kind in the UK once Sittingbourne closes in 2011, and, regardless of the policy position in adjoining regions, it is undisputed that no other such facility will be available in the UK.

6.126 The MDIP could help to reduce the export of high grade waste paper; reduce the use of such waste paper for less sustainable paper products, and help avoid the greater use of virgin paper pulp. There is no sustainability or carbon emissions basis for suggesting that waste exports or pulp imports should be preferred to using the MDIP at the Site. In terms of climate change, it is agreed that the MDIP proposals would provide substantial CO<sub>2</sub> savings, based on an average 100km travel distance for the sourcing of waste paper rather than the sourcing area being restricted to the East of England Region. There are a large number of potential locations from which to source waste paper outside the East of England region which are comparable in distance from the application site as many of the settlements within the region. For example, within the East of England approximate distances are Bedford 103km; Norwich 118 km; Peterborough 138 km; Kings Lynn 150km; Hunstanton 171 km. To locations outside the region, approximate distances are Central London 90 km; Ashford 122km; Aylesbury 134km; Guildford 145km; and Northampton 155 km. This underlines the lack of rationale in selecting the region as the focus for the condition.

6.127 The only justification for sourcing waste from the East of England relates to the self-sufficiency argument. However, this is undermined by EEP Policy WM3, bearing in mind the uniqueness of the proposed plant. There is no justification for the proposed 80/20 split. It is unreasonable, and cannot be made reasonable by introducing a relaxation as suggested by ECC. Notwithstanding this, if an 80/20 split were considered to be necessary it would be preferable, more certain and proportionate to impose either a condition that the 80% portion should come from within a fixed distance (say 150km) or that it should be sourced from within the three neighbouring regions, namely the East, the South East and London. The additional ES information provided under Regulation 19 (Document CD/2/10) did not support an 80/20 criterion but stated (at paragraph 19.2.4) that the application was in conformity with EEP Policy WM3.

### Issue 7: Other Matters

#### *Listed buildings & the historic environment*

6.128 The SoS is required, in the course of deciding whether to grant planning permission for development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Listed Buildings Act 1990, Section 66(1)).

6.129 The application contemplates the refurbishment and re-use of Woodhouse Farm, the Bake House and the Water Pump, all of which are listed. All are in poor condition. Although specific schemes of work have not been advanced at this stage, ECC and the LCG do not dispute that their refurbishment and re-use would enhance their character. That conclusion is not undermined by criticism of the way the building has been allowed to deteriorate without beneficial use.

6.130 The poor state of the buildings is such that any sensible and meaningful repairs would require Listed Building Consent. The buildings require structural

repair. BDC has an opportunity to require repairs to be undertaken, but no proposals have been put forward by any party which would indicate what is possible or necessary to bring the buildings back into a suitable state of repair.

6.131 In relation to the setting of these Listed Buildings, it is noteworthy that WLP Policy W8A contemplates major waste development within their vicinity. WLP Schedule 1, WM1, requires that screening and landscaping of waste management development should have regard to preserving the setting of the listed buildings at Woodhouse Farm. Such measures are employed in the eRCF proposal. The only listed buildings referred to in the Schedule at WM1 are those at Woodhouse Farm. This is a realistic reflection of the potential impacts on Listed Buildings and their setting arising from development of the preferred site. The evidence has confirmed in particular that the proposed eRCF would have no impact on the setting of other Listed Buildings, including Allshot's and Sheepcotes Farms, because of the distance between them and the impact upon them of existing development. The proposed eRCF does not affect the setting of Listed Buildings farther afield.

6.132 Objectors do not suggest that there is any material difference between RCF and eRCF in terms of impact on the setting of these Listed Buildings, except for the impact of the stack. The car parking proposed need not harm their setting.

6.133 A degree of consensus emerged during the course of the inquiry concerning the quality and accuracy of the photographic evidence available to assist the decision-maker on this issue: a particular example being that at Document GF/5/B/16. The stack, whilst noticeable above the trees from within the vicinity of Woodhouse Farm, would amount to a modest part of the wider view.

6.134 Albeit limited weight attaches to draft PPS15, there was no dispute that the benefits of the proposed eRCF in terms of low carbon energy production and the extent to which the design has sought to contribute to the distinctive character of the area should weigh positively so far as impacts on listed buildings are concerned. The climate change issues found in draft PPS15 however are required to be considered by the PPS on Planning and Climate Change (Supplement to PPS1).

6.135 In summary, the proposed parking and CHP stack would not have a significant adverse impact on the setting of nearby Listed Buildings and the benefits of restoration would far outweigh the resulting impacts.

6.136 Turning to the setting of the Silver End Conservation Area, it is acknowledged that the edge of the Conservation Area, shown on the drawing at Document G/5/D/10, is well-screened by vegetation and trees. The proposed eRCF would preserve the character and appearance of that small part of the Conservation Area that flanks open countryside to the east.

#### *The historic airfield*

6.137 No aspect of the airfield use remains. All that remains are a number of items of infrastructure including some of the hard surfaced areas and some hangers. The airfield facilities themselves are not designated or protected in any way. The note at Document GF/32 indicates, the history of the airfield by B A Stait (1984) states that it has "no special claim to fame". There are no significant issues arising with regard to the heritage significance of the former airfield.



### *Minerals*

6.138 The siting of the eRCF below existing ground level is essential to reduce its visual impact and there is an overriding need to extract the sand and gravel on the site in accordance with Essex Mineral Local Plan First Review Policy MLP4. The eRCF accords with Structure Plan Policy MIN4 because the mineral resource would not be sterilised.

### *Perception of risk to health*

6.139 The Community Group simply highlights its concern on this matter. The potential additional pathways identified by FOE did not undermine the conclusions of the HHRA (Document GF/9/E). There was no challenge to the conclusion that the eRCF would pose negligible risk to human health.

### Overall Conclusion

6.140 The proposals are needed now to address a significant current waste management capacity need and to achieve climate change reductions in a manner consistent with current policy. The fact that the proposals would not meet all the needs of Essex in terms of waste capacity does not allow the luxury of time to allow the gradual development of policy, as some such as the FOE would prefer to see. The eRCF would make a strategic contribution to sustainable development.

## **SECTION 7 - THE CASE FOR ESSEX COUNTY COUNCIL**

7.1 The committee report to ECC's Development and Regulation Committee of 24 April 2009 (Document CD2/12A), is a reasoned document which explains the basis of the committee resolution to inform the SoS that the Council was minded to grant planning permission subject to a number of matters. ECC recognised that despite non-compliance with some policy, a whole raft of development plan and national policy guidance was supportive of the proposals. Moreover, when the physical impacts of the proposal were examined, it was judged that they had been minimised, and they would have no materially harmful effects. The officer's report acknowledged that it is necessary to facilitate the delivery of waste management sites in order to meet the demands of local and national planning policy, especially the objective of driving the management of waste up the waste hierarchy. This calls for a flexible approach to be adopted. The resolution to grant planning permission should carry significant weight in the planning balance.

7.2 The response of ECC's built environment department as part of the consultation process on the application on which the Local Councils Group (LCG) relies (Document LCG/8/2 Document JA1/4) was a preliminary response by the built environment department. The final response is one of "no objection", for reasons explained in the officer's report. The process shows careful and conscientious consideration of the proposals from the built environment team.

7.3 The statements of Lord Hanningfield, the Leader of the Council, to the effect that there would be no incinerator in Essex without a referendum are understood to

refer to mass burn incineration, which is not proposed here. In any event, this is not a planning matter. The proposal was and is to be assessed in accordance with planning policy.

Issues raised by the call-in and pre-inquiry note

7.4 ECC's case is set out in Document ECC/2 and the officer's report at Documents CD/12A and 12/B.

Issue (i) – the extent to which the proposal is in accord with the development plan

7.5 The proposal is seen as a departure from the development plan, firstly, because it extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1, and secondly, because it is in conflict with countryside policies of the BDLPR, namely Policies RLP27 and 78. ECC considers that the MDIP would be an industrial activity in the countryside. However, these are not significant departures from the development plan.

7.6 A large part of the area where the buildings are proposed is allocated for waste management facilities. The proposed buildings would extend beyond the allocated site, albeit to a limited extent. However, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan.

7.7 Moreover, the WLP allocation does not incorporate land for access and does not incorporate Woodhouse Farm. The former is a necessary part of any proposal and the proposals for the latter are clearly beneficial. The proposed lagoon is outside the allocated site area but is also present in the RCF proposal for which planning permission has been granted. The RCF permission establishes the principle of waste facilities extending beyond the allocated site. Seen in this context the departure is not a matter of significant weight. It is notable that the RCF facilities were supported at the strategic level by the regional planning body [Document CD3/2].

7.8 When considering the RCF proposal, it was reasoned that the allocation of 6ha was based on the area required for a typical mass burn incinerator facility, considered at that time to be about 2.5ha. At the time of the public inquiry into the WLP, the technologies of MBT and AD were not as fully developed as today, or the site area required to implement them appreciated. The current proposals seek to drive the treatment of waste further up the waste hierarchy than the RCF proposals by incorporating a CHP plant utilizing residues from the MBT to generate electricity for processing and treatment of waste, and to provide electricity to the National Grid. Although the building would be larger than recommended at the time of the WLP by the Inspector, the possibility of sinking a waste facility into the ground had not been envisaged. The guidance in the WLP on the size of buildings at the Rivenhall site is intended to address the visual impact of any such buildings. The substance of the policy has been met by the proposal to sink the buildings into the site, which would substantially reduce the bulk of the visible structures when viewed from outside the site. The principle of an incinerator and a chimney was not discounted by the Inspector at the WLP inquiry. (CD/9/1A page 109, para 37.19)

7.9 So far as the BDLPR countryside policies are concerned, the proposed MDIP would be located within the building envelope, a large part of which is within the

allocated waste site. It would not of itself add any impact to the proposal which would be different to the impacts that would arise from the 'core' waste facilities. Moreover, the distinction between waste development and industrial development is not clear cut. Waste management development could be seen as a subset of industrial activity, and again, this departure is not viewed as a matter of significant weight.

7.10 ECC's officers and committee did not reach a view as to whether the proposals comply with the development plan overall, as the proposal was considered to be a justifiable departure from certain discrete policies of the development plan. However, the officer's report identifies an extensive degree of policy compliance.

7.11 Need is a matter to be addressed under the development plan. WLP policy W8A indicates that waste management facilities will be permitted at the sites allocated in Schedule 1 subject to a number of criteria being met, including there being a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. It is common ground between the main parties that the question of need should be determined in the context of the RSS figures for Essex's apportionment. This approach is required by PPS10, and reinforced by the June 2009 report of the Regional Planning Body (Document CD5/2). Those figures demonstrate a clear need for the facilities so far as they provide for MSW and/or C&I waste. The proposals comply with the RSS (policies WM1 and WM4) so far as the question of need is concerned. It is also agreed that the assessment of need should not be based upon the emerging revised Regional figures.

7.12 There is a need for the facilities even if the analysis is based upon the more conservative figures set out in the report on waste arisings and existing treatment capacity prepared by ERM in 2007 on behalf of the WPA (Document CD 10/3). Since the capacity analysis in the ERM reports are not reliable, and are likely to be an overestimate, the actual level of need would be greater.

7.13 Although no party supports the use of the consultation figures for waste arisings issued by the regional planning body (Document CD 5/8), both the applicants and ECC agree that even on the basis of these figures, a clear need for the facility exists.

7.14 The JMWMS (Document CD 8/2) is not technically a planning policy, but it interacts with planning policy because it represents the agreed strategy of the waste collection authority and the disposal authority on how the waste needs of Essex are to be met. The JMWMS clearly supports the development of MBT and AD facilities, and facilities to create SRF and to burn it to produce energy. It expressly endorses the proximity principle for the purposes of managing residual waste, which would include SRF. Moreover, it aims "to deliver an innovative and resource efficient waste management system for the county". The JMWMS is therefore supportive of the proposals. There is no proposal for a CHP in the county apart from the eRCF.

7.15 The OBCs 2008 and 2009 are not planning policy but an outline business case for the purposes of obtaining central government funding for the disposal of MSW. The RCF only dropped out of the OBC after 2008 because the county did not control the site, and therefore it could not be used as the reference case for the OBC. In addition, inclusion of a CHP plant in the OBC would exclude competition, because the

only site currently being put forward with a proposal for such a facility is the application site at Rivenhall. The significance of the OBC is that it evidences ECC's need and desire for an operator and site to handle its MSW contract. The RCF and the eRCF would be able to bid for that contract and the additional competition they would introduce would be welcomed by the WDA. It demonstrates that the eRCF could meet the county's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. The facilities contained in the OBC would not be adequate to dispose of all of the county's MSW arisings.

7.16 There is therefore a need for the type of facility proposed in order to achieve the national waste objectives set out in PPS10 paragraphs 1 and 3 and Policy MW1 of the RSS, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the RSS. The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. In recovering paper pulp, the residues arising from the process would also be used as a fuel in the CHP, removing the need for offsite disposal and the potential for such material to be sent to landfill. The need for specialized waste facilities serving more than the local area is recognized in RSS policy MW3.

7.17 With regard to the need for the MDIP facility, the applicants have been open about the difficulties currently faced in sourcing sorted paper and card of the required quality from within the region. However, the provision of the facility is likely to stimulate greater recovery of paper waste from existing waste. It cannot be argued that there is no need for the MDIP given that it would be the only facility of its kind in the country and the material to feed it undoubtedly exists. RSS policy WM3 supports such specialist facilities and acknowledges that some compromise to the proximity principle may be appropriate in such cases. There is a balance to be struck between self-sufficiency and the proximity principle on the one hand, and the operator's need for commercial security on the other. This underlies ECC's structured approach to a condition relating to paper and card waste from outside the region (See paragraph 7.41 below).

7.18 In summary, most of the policies in the development plan are complied with, and to the extent they are not, the non-compliance is justified. In particular, the evidence demonstrates that there is a need for the facilities, and the application site is an appropriate location to accommodate that need.

*Issue (ii): the quality of design and effect on the character of the area (including CD 8/9, Designing Waste Facilities (Defra, 2008)).*

7.19 The proposal has been designed to reflect the site's history as an airfield. The 2 arched roof main buildings would reflect the design of a hangar, with green roofs to minimise their visual impact and provide potential habitat to replace some that would be lost as a result of the development. The proposal has been designed aesthetically rather than functionally. It reflects a previous use of the site to which the community attaches some significance and which is regarded as an acceptable and

proud part of its history. CAFE supported the design of the RCF proposal which has much in common with the eRCF.

7.20 Other aspects of good design include:

- (i) The sinking of the plant within the ground to reduce its visual impact. Such an approach would also reduce the visual impact of the access and enable the proposal to employ the minimal use of bunding and screen planting.
- (ii) The positioning and reflective finish of the stack so as to mitigate its visual impact.
- (iii) Minimal use of lighting on and around the plant.
- (iv) Measures to reduce the operational impacts, such as negative pressure within the building.
- (v) Extensive landscape mitigation and additional tree planting.
- (vi) Co-location of the SRF producing facilities with the CHP and MDIP plant.
- (vii) Taking the opportunity to refurbish and re-use the currently run down listed Woodhouse Farm.

7.21 The Defra guidance 'Designing Waste Facilities' (Document CD/8/9) acknowledges that getting waste facilities to "fit in" with the existing fabric is often inappropriate or impossible because of the scale of buildings involved. This should not be read as advising against buildings that do not fit in with their context. Rather, it is an acknowledgement that it would be inappropriate and unrealistic to judge the success of a design by reference to whether it fits in or not. Design of waste facilities need to be judged flexibly, recognising the inevitable limitations which their function places upon their design. The guidance also supports the use of imaginative solutions to minimise the impact of stacks, and advises that careful consideration be given to whether 'hiding' a new building is really appropriate, pointing out that "new buildings should not automatically be seen as a negative".

7.22 The proposal does 'fit in' with its setting. The main buildings and the stack have been thoughtfully designed to respect their context and minimise their impact. The main point of concern of objectors is the stack. It is impossible to hide the stack, but this need not be seen as a negative feature in the landscape. In any event, if it is accepted that there is a need for the eRCF then the stack is inevitable. In this case its impact has been minimised.

7.23 It is considered that there is an opportunity to enhance the sense of arrival at the facility by requiring details of materials and colours to be controlled by condition and by providing public art on the front of the building. The impact of the proposal could be further controlled by means of a legal obligation to maintain planting and provide additional planting adjacent to the southern boundary of the site as soon as possible after the issue of any planning permission.

7.24 Overall the scheme is of good design and would not have an adverse effect on the character of the area.

*Issue (iii): The extent to which the proposal is consistent with PPS7*

7.25 The site is not located within an area of particularly sensitive countryside and there are commercial and mineral developments in operation nearby. The site itself has features of previously developed land, being the site of the former airfield. The

principle of a waste management facility in this location served from the A120 is enshrined in the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, indeed WLP policy W7G expressly contemplates that such development may be acceptable. The RCF permission is a weighty material consideration so far as the acceptability of the size of the development and its impacts on the countryside are concerned, as it represents a fall-back position.

7.26 One of the main concerns so far as countryside impact is concerned is the effect of the stack. Its impact has been minimised through its location and design. The proposed height is understood to be the minimum necessary to comply with relevant emissions standards and the width allows a number of chimneys to be accommodated within the single stack.

7.27 The relationship of the MDIP facility with countryside policy is addressed above at paragraph 7.9. Its co-location with waste facilities maximizes the efficient use of energy. Moreover, the access to the site directly off the A120 is a requirement of the WLP, with respect to preferred site WM1. Moreover, the facility would be located centrally in terms of its ability to serve Essex.

7.28 The development would provide some enhancement of the countryside. Although about 1.6ha of woodland would be lost, some subject to TPOs, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerow. About 19.1ha of open habitats would be lost, although the proposal includes the long term management of both existing and new areas of habitat, including the green roofs of the proposed main buildings. The proposal also includes the management of existing and proposed water bodies to enhance bio-diversity, together with mitigation measures with respect to various species, some of which are protected.

7.29 There would be a loss of some 12ha of best and most versatile agricultural land. Although the loss of such land should be avoided, the emphasis in the last 5 years has moved to soil resource protection. It is noteworthy that Natural England did not object to the proposal. Soils stripped from agricultural areas would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry.

7.30 The refurbishment of the derelict listed buildings at Woodhouse Farm, bringing them back into beneficial afteruse, would be an enhancement of the countryside. Overall, it is concluded that there would be no conflict with the objectives of PPS7.

*Issue (iv): The extent to which the proposal is consistent with PPS10*

7.31 The proposals comply with the objectives set out in paragraph 3 of PPS10. The development would support sustainable waste management by providing a facility which would enable waste to be treated at a higher level of the waste hierarchy. The AD would create compost suitable for use in agriculture together with biogas for use in electricity generation. Methane generated by landfilling would be reduced. The MRF would ensure the recovery of recyclables. The MBT would shred and dry waste to allow recovery of recyclables in the MRF and produce SRF for the CHP. In turn the CHP would reduce the need for landfilling of residuals from the MBT as well as providing a facility to use other SRF produced in Essex. The CHP would also deal with residues for the MDIP facility.

7.32 With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The facility would meet the third objective by pushing waste up the waste hierarchy and helping to achieve national and regional recycling targets.

7.33 The application was supported by an EIA which included an assessment of the impact on health and the environment. It was subject to consultation with the EA, Natural England and the Primary Care Trust, all of whom raised no objection to the proposal. Subject to appropriate conditions and obligations, the impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment.

7.34 The application was subject to full consultation with the public and consultees. The proposed technologies are in line with those identified in the JMWMS, such that if planning permission were granted the facility could compete for MSW contracts within Essex. The development would maximize the efficient use of energy generated at the site, by co-locating the MDIP with the CHP plant and thereby providing potential to achieve wide environmental benefits. This has in part given weight to the justification for a departure from development plan policies in terms of the site's location in the countryside.

7.35 The integrated nature of the proposal minimises the need for the export of residuals, including on-site use of SRF and paper pulp residues in the CHP plant. The proposals also include the on-site collection, recirculation and treatment of water, minimising the need for fresh water and for off-site treatment of dirty water. The design and layout supports a sustainable form of waste management.

7.36 The eRCF can meet the need to treat both MSW and C&I waste arisings, consistently with PPS10 paragraph 8. The need case supporting the proposal does not rely on "spurious precision" in relation to estimated waste arisings, as deprecated by paragraph 10 of the PPS. The need case is clear and comfortably met. It is based on the RSS and advice from the regional planning body.

7.37 The WLP identifies much of the application site for waste management facilities, without any restriction being placed on the type of facility in question. To that extent the WLP is consistent with the role of development plans as described in paragraphs 17 to 19 of PPS10.

7.38 The proposals meet the guidance in paragraph 24 of PPS10 relating to development on unallocated sites and there is no evidence that the proposals would prejudice the movement of waste up the waste hierarchy. In this respect the proposal is in accord with paragraph 25 of the guidance.

7.39 Although the MDIP facility may not be justifiable on the basis of need to process sorted paper waste arising entirely within the region, the underlying aims of sustainable development are met by this unique facility.

7.40 The CHP in particular would assist in reducing the amount of residual waste that needs to be consigned to landfill, and would generate useful energy from waste, consistently with the aim of using resources prudently and using waste as a source of

energy. For all the above reasons, the proposal is consistent with the objectives of PPS10.

Issue (v): Conditions

7.41 The suggested conditions that should be applied in the event of planning permission being granted are set out at Document ECC/7. The only condition which is contentious between ECC and the applicants is the condition relating to the proportion of imports to feed the MDIP facility. This condition is necessary to ensure that the applicants have an incentive to seek feed stock from within the region, and that an initial inability to do so does not result in a total abandonment of the proximity and self sufficiency principles for the future.

Issue (vi): Section 106 Obligations

7.42 Planning permission should be subject to a 106 agreement in the form submitted. Attention is drawn to the proposal for a community liaison group.

Issue (vii): Listed Buildings (Woodhouse Farm)

7.43 Woodhouse Farm is listed as a building at risk. It is in urgent need of care yet there is no proposal or prospect of any care being given to it apart from the eRCF or RCF proposals. Witnesses for the Local Councils Group and the Community Group accept that in principle the proposed refurbishment and re-use of the Farmhouse is a benefit. The form, specification and merits of any listed building application would be assessed by Braintree DC as the local planning authority. The quality of the restoration is therefore in that objector's hands.

7.44 The main issue of concern to objectors appears to be the effect of the chimney on the setting of the listed buildings. However, the chimney would only be seen in certain views and would be some distance away from the building. Overall the setting of the listed building would not be adversely affected. Notwithstanding this, the much needed refurbishment of the fabric of the listed building that would be brought about by the proposals would outweigh any harm to its setting.

7.45 The choice is between further decay of the listed building, or restoring it and bringing it back into active and beneficial use, when it would be seen and enjoyed by members of the public visiting the site. The effect on the listed building is therefore positive overall.

7.46 Objectors also refer to the impact on the Silver End Conservation Area, but this is so far away from the site that it would not be harmed by the scheme.

Issue (viii): The fall-back position

7.47 The RCF is relevant in two main ways. Firstly, as a fall-back and, secondly, as a recent planning permission for similar development on an identical site. The fall-back position was not taken into account in ECC's consideration of the scheme. No assumptions were made as to whether the RCF would proceed if the eRCF were refused permission. However, the second of the two factors was taken into account by comparing the merits of the eRCF to those of the RCF.



7.48 The RCF would not be an unacceptably harmful development. It is supported by current planning policy and justified on its merits. Moreover, it is consistent with and would further the aims of the JMWMS. There is no reason to doubt the applicants' evidence that it would implement the RCF if the eRCF were refused permission, particularly given the position on need. The RCF therefore represents a fall-back position for the site against which the eRCF falls to be considered.

7.49 It is also relevant as a recent planning decision for similar, though not identical, development having similar environmental impacts, covering a similar site, and which had been assessed in the same policy framework as the eRCF. The RCF sets a benchmark against which the differences between the RCF and eRCF should be assessed. The RCF permission demonstrates the acceptance of the principle of built waste management facilities on a site extending beyond the boundaries of the WM1 allocation, which was supported at the regional level (Document CD 3/2). It also demonstrates an acceptance of the visual and other environmental impacts, including traffic impacts that would be introduced by the RCF. The real difference between the two proposals is the chimney stack.

7.50 Objectors have concerns about reliability of the applicants' 404 HGV movement cap, and have sought to cast doubt upon the relevance of the RCF as a fall-back so far as traffic movements are concerned. The applicants indicate that they could control HGVs entering the site by contractual means. The proposed condition limiting the site to 404 HGV movements is clear, precise and enforceable. It also provides an incentive to the applicants to ensure that vehicle movements are used efficiently. It supports sustainable transport objectives. In contrast, the RCF permission contains no condition expressly setting a movement cap. The 404 HGV movements cap would therefore be a benefit.

#### Issue (ix): Flexibility

7.51 Draft condition 19 would allow some control over the detailed configuration and layout of the plant.

## **SECTION 8 - THE CASE FOR THE LOCAL COUNCILS GROUP**

### The need for the facility

8.1 For policy reasons the applicants must demonstrate need. However, even if need is demonstrated, it has to be weighed against harm that may arise, for example, the harm that would be caused to the countryside. The application proposes an IWMF that is too large to be accommodated on the preferred site in the WLP, and its capacity would be far greater than the perceived need.

8.2 There are two/three aspects of need to examine, namely that relating to MSW/C&I waste and to the paper pulp facility. The position in respect of MSW is by and large clear. ECC as WDA are satisfied as is evidenced by their OBC 2009 (CD/8/6) that a single MBT plant at Basildon will give them sufficient capacity to deal with likely MSW arisings. There is therefore no "primary" need for this facility to deal with MSW. The only advantage of the application proposal is that it would create more competition and provide a "home" for SRF arising from Basildon. These aspects might perhaps be considered as secondary or ancillary need.

8.3 However, very little weight should be given to these two points. ECC can and will ensure competition by allowing all potential operators to have access to the Basildon site on equal terms. Furthermore ECC are comfortable in not determining at this point in time the destiny of the SRF arisings. Although, at present, there is no other facility in Essex for securing energy from the SRF, ECC's strategy is to deal with that in due course. The JMWMS (CD/8/2) indicates that ECC will deal with it as far as it would be consistent with the proximity principle. Rivenhall may not be the most suitable location having regard to such principle. Moreover, SRF is a valuable fuel and there can be no doubt that there is a developing market for it. Other sites such as Sandon may come forward.

8.4 As regards C&I waste, it is acknowledged that the needs argument of the applicants are more persuasive. However, even on the 2007 analysis, the case for an MBT dealing with C&I waste is marginal, under the "best case" scenario put forward in the 'Waste Arisings, Capacity and Future Requirements Study: Final Report (February 2007)' as described in Document LC/1/A. The best case scenario assumes 0% growth in waste production, C&I waste generation remaining at 2002/3 levels. In contrast the worst case scenario does not reflect the current downturn, nor does it consider the overall thrust of current waste management policy. It represents a maximum level of C&I waste growth, assuming the economy continues to grow and no waste reduction measures are implemented.

8.5 One MBT facility may be justified, but this could be met by the ECC resolution to grant permission for development at Stanway. The 2009 analysis, adjusted, shows the same result, namely that there is "headroom" or overcapacity taking both MSW and C&I waste into account.

8.6 The current adopted RSS policies are based on anticipated levels of waste arisings which are simply not occurring at present. The actual arisings are significantly lower than estimated and the emerging regional studies suggest quite strongly that general C&I waste arisings are unlikely to increase significantly above present volumes in future. This has prompted a review of policy which is continuing with discussions with the individual WPAs. ECC acknowledges the need to take account of the EERA findings, in progressing work on the Waste Core Strategy. Caution should therefore be applied when giving weight to any need based on clearly outdated estimates.

8.7 With regard to the proposed MDIP, it has been estimated by Urban Mines that 437,000 tonnes of paper and card are currently recovered in the East of England for recycling (P72-CD/10/1). This figure is not disputed. Moreover, at best, only about 36% of this recovered paper would be of a suitable quality for the MDIP proposed i.e. 157,000 tpa. This is significantly (203,000 tpa) less than the required input and the recovered paper is already being used in other processing facilities. Even this figure is too high and only around 18-20% of recovered paper is within the essential uncoated wood free grades. The applicants therefore have to rely on their view that additional resources can be obtained by improving the rate of recovery of paper consumed in the East of England, by obtaining paper passing through the region for export and from the supply to an existing MDIP at Sittingbourne which is to close, but which sources most of its material from outside the East of England. The applicants are being over optimistic in this regard.

8.8 It is not disputed that potentially higher volumes of paper consumed in the East of England could be recovered for recycling, although there is no certainty as to the additional percentage which could be recovered. This is recognised in the report entitled 'Market De-inked Pulp Facility - Pre Feasibility Study' (CD/10/2) published by The Waste and Resources Action Programme (WRAP) in January 2005. This notes that previous research has shown that in the office sector there is an irretrievable loss of around 15% of all office paper. Moreover, it would be uneconomic to collect a proportion of fibre, particularly from small businesses employing up to 10 people, and some fibre is already used by mills with integrated facilities. It must also be borne in mind that planned and incremental increases in the paper industry will result in competition for recovered paper feedstock.

8.9 Potential feedstock of waste paper can be "lost" because it may be too contaminated and because of difficulties in collection and sorting. These factors must be viewed against a background where only a small proportion (36%) of recovered paper is likely to be suitable for the proposed MDIP facility. The applicants' approach appears to be over ambitious.

8.10 Similarly, there is uncertainty as to the paper which can be "diverted" from export. In policy terms, it is questionable whether waste paper arisings which have occurred in other parts of the country should be attracted to Rivenhall having regard to the proximity principle and communities taking responsibility for their own waste.

8.11 With regard to the existing MDIP facility at Sittingbourne, it is recognised that this is scheduled to close in 2011. However, there is no firm evidence to show that its current input would be available to Rivenhall. Furthermore, there is likely to be a three year gap between Sittingbourne closing and Rivenhall becoming operational. The current supply would almost certainly be attracted to other markets. The demands of the tissue making market could well intervene. Feedstock would have to be obtained from the market and the applicants rely heavily upon their ability to offer competitive prices. Their assertion to be able to do so is largely unproven. A full viability appraisal has not been produced.

8.12 In conclusion, there is significant doubt as to whether there is a realistic or adequate supply available within the East of England and if this scheme were permitted it is likely that a significant proportion of the paper would be attracted from outside of the region which would not of itself be desirable. This is demonstrated in the applicants' wish to amend or remove the original terms of suggested Condition 27 (now renumbered as Condition 30).

8.13 There are no free standing MDIP facilities in the UK and for efficiency and market reasons, it is much more likely, as indicated in the WRAP study (Page 143 Document CD/10/2), that these would be built as part of integrated paper mills. Historically, MDIP mills have been difficult to justify on economic grounds. It is cheaper for a paper mill to utilise de-inked pulp that has been produced on site in an integrated process. This avoids additional processing costs, such as drying prior to transportation.

8.14 The overall need for the IWMF has not been fully demonstrated, and insofar that any need has been demonstrated, the weight to be applied is not significant.

Landscape/visual impact

8.15 The site lies within open countryside in an area that is regarded as tranquil. Even the applicants' landscape witness accepts a description of "relatively tranquil". Generally the site forms part of a high open plateau from where and across which there are distant views. It is not accepted that the remnants of the World War II airfield, existing industrial uses, and the existence of gravel workings has "despoiled" the area to the extent suggested by the applicants. Although there are a number of businesses in the locality, such as those using former agricultural buildings at Allshot's Farm, these businesses are well established and are generally contained within defensible curtilages and do not impose themselves on the countryside to an extent that they detract from its open and rural character .

8.16 The Landscape Character Assessment undertaken by Chris Blandford Associates (Doc GF/5/B/4) describes the area away from the main roads and the sand and gravel pit as tranquil. It also indicates that the character of the area has a moderate to high sensitivity to change. Clearly there is some doubt as to whether the site could accommodate the proposed development without significant consequence.

8.17 The proposed building and other structures would have a footprint of more than 6 ha, and the development would result in the remodelling of an even greater area together with the loss of 1.7 hectares of semi-mature woodland and other associated engineering works. It is a major development.

8.18 There is a well used network of footpaths in the vicinity of the application site and the development would have a significant impact in particular on users of footpaths 8 and 35. For example, walkers on footpath 8, apart from seeing the stack would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in winter. Moreover as walkers passed the listed buildings at Woodhouse Farm, the backdrop would be dominated by the stack. Although a hedge would partially screen views, walkers on footpath 35 would on occasions be able to see the front of the building, which would be some 200m wide and 20m in height.

8.19 The proposed development would have a detrimental impact on the setting of the listed buildings at Woodhouse Farm. The proposed stack would tower over Woodhouse Farm, and its impact would be even greater if the EA require an even taller stack. The development would be visible over the tops of existing trees. The development would also be visible from Silver End and detrimental to the setting of the village.

8.20 Away from the site, views of the building, much less the stack, would be possible, as demonstrated in the montages at locations 2 and 5, namely Sheepcotes Lane and Cuthedge Lane, in Document GF/5/B/11. It is clear from these montages that the building would be visible at both locations even at year 15. Moreover, these montages should be interpreted with caution, many, for example, do not show the correct proportions of the proposed stack. The stack is considerably wider than shown on many of the montages. Moreover, the rate of growth of new vegetation is unlikely to be as rapid as anticipated in the montages. For example, the applicants accept that to effectively replace some of the lost woodland would take around 40 years.

8.21 The montages at location 6, (Drwgs 8.7.11 and 12 in Doc GF/5/B/11), taken from Holfield Grange to the north of the A120, more than 3 kilometres from the site, show that the stack and the front of the building would be visible for significant distances. Drawing number GF/5/D/9 shows the stack potentially having an impact over a very large area.

8.22 Document CD/16/3 sets out the LCG's view that the applicants have not adopted a realistic approach to optimising the stack height. It is likely that a stack significantly taller than 35m in height would be required with consequential increased visual impact. The applicants should have engaged in a dialogue with the EA prior to the inquiry in order to establish the likely range of the required stack height. Planning permission should not be granted with such significant uncertainty remaining over the stack height. A further application to ECC for an increase stack height would not meet the requirements for certainty and good planning as set out in national guidance.

8.23 The Defra Guidance entitled 'Designing Waste Facilities – a guide to modern design in waste' (Document CD/8/9) recognises at page 70 that the siting of a large building in the countryside is generally contrary to the principles of planning set out in PPS1 and other national guidance. It also warns about seeking to hide buildings with unnatural earth bunds. More importantly it indicates that the scale of buildings can present considerable challenges which make "fitting in" with the existing fabric often inappropriate or impossible. This is one of those cases. The proposal is not compliant with PPS 7 or policy 78 of the BDLPR.

8.24 It has long been a major element of national policy that the countryside should be protected for its own sake. Moreover, generally speaking significant developments in the countryside fly in the face of policies on sustainability. Substantial weight should be given to the adverse impact this proposal would have on the countryside together, obviously, with the associated breaches of current countryside policy.

8.25 It is acknowledged that part of the application site is allocated for a waste management facility. However, in accepting this as a preferred site in a countryside location, the Inspector who held the Inquiry into the WLP, recommended that the site be reduced in size from that originally put forward and made a specific recommendation as to the size of any building associated with a waste management facility. Moreover, the eRCF differs from the RCF. The excavated hollow would be greater; the extent and height of the buildings would be greater (the building footprint would be 17% larger); the space for the buildings would be cut more squarely into the landscape and involve the loss of more woodland; and a substantial stack would be built. There is no specific support from EERA for either the stack or the paper pulp facility, nor any view given by CABE on this scheme.

8.26 The eRCF involves the loss of a greater depth of woodland than the RCF. Moreover, the stress caused to existing vegetation, by coppicing and the dewatering of soils that would occur, could result in further loss of vegetation.

8.27 In summary, the proposal would have a detrimental visual effect and be harmful to the landscape of the area.

Traffic Generation/Highways

8.28 The applicants maintain that HGV movement would be restricted to 404 per day, requiring an average payload of 23 tonnes per load. They acknowledge that this can only occur if virtually all of the waste comes via a waste transfer station (WTS) and has undergone some form of compaction. Such an approach does not stand up to scrutiny.

8.29 The applicants concede that the necessary network of WTSs does not presently exist. Moreover, the letters submitted from hauliers (GF/2/B Tab 15) do not convincingly demonstrate that average payloads of 23 tonnes can be achieved. Not all vehicles making deliveries to the site would be under the direct control of either the applicants or the waste operator. As the facility would operate in the open market, it would be unrealistic for the operator to insist that only full loads (23 tonnes) be delivered to the site. In addition there is no convincing evidence that a backload system could operate.

8.30 If the RCF was expected to generate 404 HGV movements in carrying 906,000 tpa, it is illogical to expect the eRCF to generate the same number of HGV movements when dealing with 40% more, namely 1,272,075 tpa. Either the traffic generated by the RCF was over estimated or that of the eRCF was under estimated. There can be no doubt that the eRCF would generate more traffic than the RCF. Using RCF payloads, the eRCF would be likely to generate about 548 HGV movements (Doc LC/3/A). If the EA's conversion factors for analysing waste and calculating volumes were used, the payloads of vehicles would be significantly lower than those used in the assessments by the applicants (Document LC/1/A). Traffic generation should be assessed on a realistic but worse case scenario. It is likely to be about 37% higher than that suggested by the applicants.

8.31 The Highways Agency only accepted that the eRCF would not have an adverse impact on the trunk road network on the basis that there would be no additional trips generated by the eRCF when compared with the RCF (Documents GF/10/B/6 and7). It is not known what approach the Highways Agency would have taken if it had been advised that the likely HGV movements generated would be greater than predicted.

8.32 The sole access for the proposal is onto the existing A120. This is a road which is currently operating well beyond its economic, design and practical capacity. This results in flow breakdown, reduced average speeds and extensive queuing, and there is no prospect of the A120 being improved in the near future. As a general guide, Annex D of TA46/97 indicates that the Congestion Reference Flow for a single 7.3m trunk road is 22,000 vehicles per day. The Annual Average Daily Traffic Flow for the A120 Coggeshall Road in 2008 was 24,144, demonstrating that the road has no spare capacity, resulting in congestion during the peak periods (Document LC/3/A).

8.33 An additional 404 HGV movements a day would result in a 30% increase of such traffic on the A120. If the likely traffic generation is greater, then the percentage increase would be even higher. This additional traffic would further reduce road safety. The applicants argue that the road would accommodate the additional traffic as the increase would be relatively small. Although the A120 may be able to accommodate the additional traffic it would be at the expense of further congestion. It cannot be right to simply allow more and more traffic onto this road.

8.34 When dealing with other development proposals in the area, ECC has sought to ensure that additional traffic is not generated on this road. Moreover there is no doubt that local residents are inconvenienced by existing traffic levels on the A120 (Document LC/4/A). There must be a point where potential traffic generation dictates that development should not be permitted. Policy T6 of the East of England Plan refers to the economic importance of the strategic road network to the region. The policy seeks to improve journey reliability by tackling congestion; to improve the safety and efficiency of the network; and to mitigate the environmental impacts of traffic. If permitted, the eRCF proposal would exacerbate the current difficulties.

8.35 The access road to the site crosses two country roads, Church Road and Ash Lane. Many HGVs merely slow at these junctions rather than stop. There have been accidents at these junctions in the past. The proposed trebling of HGV traffic on the access road would increase the risk of accidents at these junctions. The additional traffic passing through the Upper Blackwater Special Landscape Area would be detrimental to the rural character and peaceful nature of the countryside.

8.36 In relation to other highway matters, it must be recognised that the application site is remote. The proposal would not be readily accessed by public transport, walking and cycling. It would not reduce the need to travel by car. In this respect it is not PPG13 compliant. This, and the fact that the proposal does not comply with PPS7 should be given significant weight and militate against the scheme. The proposal is not a use which must occur in a countryside location. An urban area or fringe location with good access to the main road network would be more suitable and appropriate.

8.37 There is also concern that HGVs associated with the development would use local roads to the detriment of highway safety and the free flow of traffic on such routes. The waste operator would not have full control over all vehicles visiting the premises. They would not be contracted directly to the operator. This is evident from the Section 106 Agreement. Moreover this is a facility that would “welcome” substantial amounts of waste for recycling and treatment. Paper collectors, for example, may wish to visit at the conclusion of their rounds. The operator would have relatively little control of many vehicles visiting the site and would be able to do little more than politely request third parties to use the appropriate roads to access the site. Whilst the Section 106 Agreement provides for third party drivers to be disciplined, it would be difficult to enforce the routing requirements particularly when the policing would have to be undertaken by the public who would not necessarily be aware that a particular vehicle should not be on a particular road.

### Other Matters

#### *Ecology*

8.38 When considering the ecological impact of the proposal, the applicants' evidence at Document GF/8/B/1 indicates that in five respects a negative impact would be certain. This leads to a requirement to judge the likely success of the mitigation measures. Paragraphs 5.4 and 5.5 of the 'Guidelines for Ecological Impact Assessment in the United Kingdom' (Document GF/8/B/2) refer to the potential uncertainty of mitigation measures and arguably give a warning that there can be no guarantee in respect of such matters. The applicants have given no categorical

assurances that the proposed mitigation/compensation measures would be totally effective. Local residents are concerned about the potential impact of the proposal as a result of factors such as light and noise pollution, and traffic generation, and the difficulty of ensuring that mitigation/compensation measures would be successful. There will always be some risks associated with such a large scale development. Moreover, the applicants accept that it would take many years to replace the lost woodland.

### *Noise*

8.39 Noise levels in the locality are at present very low. The principle sources of noise appear to be agricultural vehicles, the quarry and distant traffic noise as indicated for example in paragraph 12.3.3 of the ES (Document CD2/7/12). It is especially quiet at night, when noise is almost undetectable. Any quarry noise is of a temporary nature and is necessitated by the fact that the development has to occur where the gravel exists. By contrast a countryside location for this development is not essential.

8.40 At certain times the overall noise climate is likely to increase. For example, Table 12-3 of Document CD2/7/12 indicates that a background noise survey gave readings of 29-43 dBL<sub>A90</sub> during the day at Herons Farm. In contrast, paragraph 40 of Document GF/2/D/1 indicates that worst case noise levels at receptor locations during construction could be between 44dB(A) and 52db(A). There are also concerns about noise being contained within the building, given the size of the door openings and the number of vehicles visiting each day. The noise limits set out in the suggested planning conditions are indicative of the increase in noise levels that would be likely to occur.

### *Air quality*

8.41 Whilst air quality may remain within legal limits it would nevertheless deteriorate. This is unwelcome. Moreover, in response to the formal consultation on the application the EA advised that the proposal in respect of the stack did not appear to represent Best Available Technology. Design changes have been undertaken since that time, but there is no observation from EA on this amended proposal. The EA points out that it is not enough to demonstrate that the EALs would not be breached. There is a statutory requirement to ensure that air quality is not significantly worsened. This raises concerns about the approach adopted by the applicants who have concentrated on compliance with EALs whilst not addressing the issue of actual air quality. EC Directive 2008/50/EC (due to be implemented in 2010) states that 'air quality status should be maintained where it is already good, or improved'. The eRCF would result in a deterioration in local air quality. The EA points out that NO<sub>2</sub> and CO<sub>2</sub> would increase, resulting in a significant worsening of air quality.

8.42 In Document CD/15/7, the EA indicates that the long term annual mean ( $\mu\text{g}/\text{m}^3$ ) for arsenic set out in the latest version of H1, which is presently out for consultation, will be 0.003. This is half the figure used by the applicants, and if the revised figure were used the level of arsenic would be equalled or exceeded at no less than 23 locations. The peak concentration at Footpath 35 of 0.0068 would be 127% above the proposed new figure.



8.43 It is recognised that an EP application could not be made until there was a known identifiable operator. However, given the concerns of the local residents it is unfortunate that greater dialogue with the EA has not taken place in order to allay the fears of the local community. These fears cannot be totally dismissed. They are genuinely held and reasonably so. The extract from the Encyclopaedia of Planning Law at Document GF/3/B/3 indicates, in these circumstances, that some weight should be given to the fears and concerns of the local community. In this regard, it is unfortunate that the applicants have declined to monitor air quality at the boundaries of the site.

### *Lighting*

8.44 The proposal is at a location where at present there is little or no artificial light at night. The scheme would change this situation. The extent of change is unknown as full details of the proposal and its lighting are unknown. However, the facility would operate 24 hours per day, 7 days a week. Staff would be present at all times. The applicants accept that in the morning, between 07:00 hours and daylight, and again in the early evening, between dusk and 18:30 hours, lighting would be essential. The facility would be open for business during these hours receiving waste etc. Outside of these hours, it is suggested that external lighting would only be used when necessary and that such lighting could be controlled by movement sensors. It is doubtful whether such an approach is realistic.

8.45 Light pollution is another factor whereby the development would have a detrimental impact on the area, the extent of which is unknown. As indicated at CD/16/4, the precise form of lighting that would be installed at the site is uncertain; the lighting schedule put forward by the applicants is subject to change. Notwithstanding this, it is essential that the proposal to provide full cut-off lighting at zero tilt, with an average lighting level of no more than 5 lux is adhered to. The site is known locally for its 'dark skies', affording views of the starry night sky. Such locations are becoming increasingly rare in Essex.

8.46 The proposed lighting schedule for Woodhouse Farm car park gives two options. The option with 8m lighting columns is the 'least worse' solution. It would provide more uniformity of light, and lower peak measurements than the option using lighting bollards which would give rise to substantial levels of sideways light emission. The whole site, including the Woodhouse Farm car park, should be designated as being an area classed as E1 under the Institute of Lighting Engineers Guidance Notes, namely the most sensitive, with the most control needed. The whole of the site is currently in a dark unlit location.

8.47 Proposed Design 2 for the lighting of the main plant area is preferable. This requires fewer lights and would result in a lower average and peak level of lighting. Notwithstanding this, there would be some reflection of light contributing to light pollution, and during misty conditions light would scatter within droplets of water in the air.

### *Overall conclusion on other matters*

8.48 Although the effects on ecology, the consequences of noise, the reduction in air quality and the likely effect of lighting are all matters which may not individually justify refusing this application, they would cause harm to the area. When combined

with the landscape and visual impacts of the development, they would have a significant adverse impact on the character of the area and the living conditions of local residents.

### The Fallback position

8.49 It is acknowledged that the existing planning permission for the RCF is a material consideration. However, little weight should be given to it, because there is no convincing evidence that it would be implemented. ECC resolved to approve the application in 2007 but it was not until 2009 that the requisite Section 106 Agreement was completed. Following the resolution to approve the scheme, the applicants wrote to ECC describing the RCF as an “indicative” scheme (Document LC/8/B/7).

8.50 At paragraph 4.4 of the Planning Application Support Statement for the present proposal (Document CD2/4), the applicants rightly advise that the RCF no longer represents the most suitable technology having regard to the JMWMS. The applicants accept that an amendment to the RCF planning permission would be likely before its implementation and point out that they have been waiting, along with others in the industry, for ECC to award a long term contract for MSW. Moreover, there is no evidence of detailed marketing or negotiations with a waste operator – the letters produced by the applicants show no more than a general intention. In addition there is no evidence demonstrating the viability of the RCF for C&I waste only.

8.51 To date, no real steps have been taken to implement the RCF permission. The applicants would not operate the RCF but would look for a partner waste organisation. It is not evident that a partner has yet been identified, let alone terms agreed with one.

### Policy Implications

#### *The Development Plan*

8.52 The three most relevant components of the Development Plan (DP) are the Southend & Essex Waste Local Plan (WLP), the East of England Plan (EEP) and the Braintree and District local Plan Review (BDLPR). All contain relevant policies.

8.53 The WLP whilst adopted in 2001 is still broadly consistent with the subsequent PPS10. It adopts, for example, the waste hierarchy (see Policy W3A) and identifies certain sites for waste management facilities. The WLP proposes a site specific approach which is promoted in PPS10. The WLP should be given significant weight. The application site was specifically considered in the preparation of the WLP and whilst identified as a preferred site, limitations on both the size of the site and the extent of building coverage were imposed. This proposal is not restricted to the allocated site and the building footprint greatly exceeds that approved. Moreover, a paper pulp facility was not envisaged by the WLP at all. The proposal does not therefore accord with the WLP.

8.54 Notwithstanding this, the WLP was developed at time when WPAs were less confident about the community’s ability to achieve and sustain high levels of recycling and composting. There have been considerable improvements in recycling and composting performance since then. The WLP was cautious in its approach,

seeking to ensure that it delivered a sufficient number of sites that could accommodate the larger waste management facilities that were expected. The eRCF proposals involve a building whose footprint alone exceeds the size of the allocated site.

8.55 There are also clear breaches of the BDLPR with regard to policies 27, 78 and 88. These relate to the location of employment, protection of the countryside, and loss of best and most versatile agricultural land. The application site includes over 11ha of Grade 3a agricultural land which would be lost as a consequence of the proposal. These breaches all militate against this proposal.

8.56 The EEP provides an overall vision and objectives largely in line with PPS10. Whilst it seeks to ensure timely provision of facilities required for recovery and disposal etc of waste, it requires, like PPS10, a balancing exercise to be undertaken in order to minimise for example the environmental impact of such facilities. On balance the application proposal does not comply with policy WM1.

8.57 Overall, the proposal is not in accordance with the development plan.

*PPSs 7, 10 and PPG 13*

8.58 For the reasons explained above, the proposal is not PPS7 or PPG13 compliant. With regard to PPS10, it is acknowledged that it provides some support for additional waste treatment facilities. However, this should not be at any cost. The proposal is not fully compliant with PPS10 because: -

- (i) there is either no, or certainly not a full need for a facility of this scale;
- (ii) it would not contribute positively to the character and quality of the area;
- (iii) it would result in significant visual intrusion;
- (iv) the traffic generated would be unacceptable especially on the A120;
- (v) the scheme does not reflect the concerns or the interests of the local community;
- (vi) it conflicts with other land use policies (e.g. policies that seek to protect agricultural land and policies aimed at the protection of the countryside).

*PPS1 Design Paragraphs 33-39*

8.59 The Defra Guidance on the design of waste facilities referred to above (Document CD/8/9) indicates that in most cases even medium sized waste facilities will not be effectively screened by landscaping and bunds. Because of its size, this proposal is not accepted or welcomed by the community. PPS1 emphasises the need for development to take the opportunities available for improving the character of the area and the way in which it functions. This proposal does not comply with PPS1.

8.60 The introduction of such a substantial building for industrial purposes; the additional HGV movements that would be generated; and the associated noise, light and general activity that would arise, would combine to create an unacceptable impact on the character of the area.

## **SECTION 9 - THE CASE FOR THE COMMUNITY GROUP**

9.1 The Community Group (CG) has sought to compliment the evidence of the Local Councils Group. It is beyond the resources of local volunteers to challenge the complex and wide ranging evidence regarding the need for, or the viability of, a large scale waste management installation. The evidence of the CG therefore concentrated on the matters of concern to local people where it was considered feasible to bring forward additional material.

### *The impact on the character of the landscape and heritage features*

9.2 The surroundings of the site are predominantly rural. The aerial photographs (such as that at Document CG/1/B Appendix C) and the range of ground level photographs (in particular those at Documents CG/2/B appendix 1 and CG/1/B appendix E) demonstrate its rural character. It is accepted that it is not "pristine" countryside. The remnants of the airfield, the commercial and industrial uses in the vicinity, the sand and gravel workings and the towers are evident. However, when examined at a sensible scale, and not focusing on the area restricted to the site of the 6ha building and its immediate vicinity, these proposals clearly relate to a site in open countryside, dominated by large arable fields with woodland. The existing commercial and industrial uses occupy a very small proportion of the surrounding area. They are contained within defensible curtilages and do not detract from the open and rural character of the area. The applicants' description of the site as being "despoiled" is incorrect.

9.3 The nearby mineral workings are temporary; they have 12 years to run and the restoration is on-going as the reserves are dug. The relatively transient impact of the workings ought not to be given great weight. Because of the topography – the site is on a boulder clay plateau – there are many opportunities for long distance views in the area. For example, the existing hanger on the application site can be seen from a kilometre away to the west, namely from the edge of Silver End. The surrounding area and Woodhouse Farm are accessed by local people via the public right of way network, which is well used.

9.4 The evidence of the CG and of third parties shows that this is valued countryside. It forms the rural setting of Kelvedon, Coggeshall, Silver End and Bradwell and is enjoyed by local residents. Some have houses looking over the site. Many more experience it using the local roads and footpaths. It has ecology of local interest. Its biodiversity is rich. The ecological survey shows four bat species, great crested newts and brown hares, resident on and around the site. Notwithstanding the mineral working and the industrial/commercial activity, the area is identified by the CPRE as relatively tranquil, including having dark night time skies (see Document CG/1/B Appendix D). A national tranquillity map has been published which identifies the relative level of tranquillity in each 500 metre square in England. A place where tranquillity is most likely to be felt is represented in green on the map. The application site lies within an area shown as green on the map. In a report published by CPRE and the former Countryside Agency in 1995, tranquil areas were defined as 'places which are sufficiently far away from the visual or noise intrusion of development or traffic to be considered unspoilt by urban influences'.

9.5 The most detailed published landscape assessment in the applicants' evidence is the extract from 'Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments' prepared by Chris Blandford Associates and published in 2006 (Document GF/5/B (4)). Under the heading "Silver End Farmland Plateau" it indicates that "away from the main roads, that lie adjacent to the character area, and the sand and gravel pit, most of the area is tranquil." It is recorded that: "Overall, this character area has moderate to high sensitivity to change." The CG has sought to illustrate the detail of the existing landscape in its evidence. The photographs in CG/2/B appendix 1 are particularly useful because they were taken in January with bare deciduous trees. The winter visibility of the existing hanger can be compared with the autumn position. The CG was concerned at the time of preparing its evidence (before the ECC Committee Meeting of 24<sup>th</sup> April 2009) that the applicants' original illustrations of existing trees in the application drawings were inaccurate and that accordingly assessments of visual impact were understated.

9.6 A description of the listed buildings in the vicinity of the site and of the conservation area of Silver End is given in Document CG/4/1. Silver End was a model village created by the Crittall Company. As an important collection of Modern Movement buildings the village was designated as a conservation area in 1983 with a later Article 4 Direction to safeguard the character and appearance of the area, and the individual houses. The village contains a number of listed buildings, notably three managers' houses, one of which is known as Wolverton. It is visible across open countryside to the north east, and the application site is visible from it. Whilst much of the rest of the perimeter of the village is wooded, the flat plateau landscape results in a strong visual connection between the village and the application site.

9.7 Woodhouse Farm was listed Grade II in 1988. The farmhouse is of early 17th century origin with later additions. It has an oak frame and queen post roof, with hand made clay tiles. The building is in a poor state of repair and has been on the Buildings at Risk register, with its condition described as 'very bad', since 1987. There can be difficulties associated with the issuing of a repair notice and it is not necessarily the best course of action to achieve the preservation of a building. However, the neglect of Woodhouse Farm has continued for too long, and urgent repairs are necessary. It should be feasible for some repair work to be undertaken without awaiting the commencement of full refurbishment of this group of buildings. There is no schedule of immediate remedial works to secure the survival of the group of buildings. A nearby pump is also listed and an ancillary building to the rear, described as a bake house, brewhouse and stable is also listed Grade II. Lack of maintenance has led to the total collapse of the roof. The setting of the historic farmsteads on and around the application site relies on their relationship to the landscape, which can be affected by the introduction of alien elements such as chimneys or flues.

9.8 The setting of the listed buildings and the conservation area should not be narrowly defined. Paragraph 4.14 of PPG15 states that 'Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This should also, in the SoS's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area, but would affect its setting, or views into or out of the area.'

9.9 The applicants propose that the Woodhouse Farm complex be converted to an education centre. However, no listed building application has been submitted, and so it is not clear whether such proposals would secure the retention and restoration of the historic features of the buildings. Floor loading and fire regulation requirements could make this an inappropriate use of the buildings. Car parking, access and landscaping works could damage the immediate setting of the historic buildings. Woodhouse Farm is close to the proposed waste management facility. At present the westerly view from the farmhouse is of trees and the end of the existing hangar. This would be replaced by the roofs of the proposed IWMF and the chimney towering above. From this distance there would be noise, disturbance and possibly odour. Overall the setting of the historic farmstead would be completely transformed.

9.10 The setting of Woodhouse Farm is of most concern, but given the open landscape and the length of views this permits, other settings would be affected. The Silver End Conservation Area and the listed building known as Wolverton have already been referred to. In addition, Allshot's Farm is about 400m from the application site and would therefore be close to the IWMF. The damage already caused to the setting of the listed building at Allshot's Farm by the existing scrapyards would be exacerbated by the close view of the proposed chimney.

9.11 Herons Farm is some 900 metres from the site of the proposed chimney. Although not a listed building, Herons Farm is one of the historic farmsteads on the plateau. Existing views of blocks of woodland from this farm would have the addition of the proposed chimney stack and the roofs of the IWMF. The impact at Haywards Farm, another historic farmstead, would be similar.

9.12 Porters Farm and Rooks Hall are listed buildings situated about 1.4km and 1.8km respectively to the southeast of the application site. Parkgate Farm lies about 1.1 km to the south of the application site. Although not a listed building, it is one of the historic farmstead groups in the area. The proposed chimney at the IWMF would be visible from all three locations.

9.13 Sheepcotes Farm is a listed building sited about 600m west of the proposed IWMF. At present there is tall conifer planting at the rear of the plot which screens the farm buildings from the airfield. However, if this were removed, the proposed chimney and roofs of the IWMF would be visible at a close distance. Goslings Farm is a listed building sited about 1km to the northwest of the proposed IWMF, with no intervening woodland.

9.14 PPG15 makes it clear that the whole historic environment, not just the immediate settings of historic buildings and conservation areas, needs appreciation and protection. The proposed stack and roofs of the IWMF would be visible from many historic buildings, sometimes in an overpowering way. This would compromise the relationship between the historic buildings and their landscape setting. The historic environment would be further eroded by the increased number of HGV movements that would take place on the A120.

### Traffic

9.15 Mr. Nee's evidence, at Document CG /3/A, emphasises the concerns of local people with regard to the existing congested state of the highway network, in particular the A120 and A12 Trunk Roads. The A120, from which access is to be

taken, is operating above its design capacity and there are frequent queues. Examples of congestion incidents are given in the document. The section of this road between Braintree and Colchester is single carriageway and the Highways Agency announced in July 2009 that plans to re-route this section of the highway have been dropped. It is likely to be many years before this length of the A120 is significantly improved.

9.16 The junction of the A12 and A120 at Marks Tey is listed as having high levels of NO<sub>x</sub> at present. It is one of 18 air quality hot spots in the county. The additional HGV movements associated with the IWMF would exacerbate this situation.

9.17 There is particular concern about the likelihood of HGV traffic using local roads to gain access to the site when the primary routes are heavily congested or blocked. HGV traffic would divert through local villages such as Kelvedon and Feering under such circumstances. The onus would be on local villagers to police the HGV movements. It is inevitable that some HGV drivers would attempt to access the site via local roads through villages. For example the natural route from Witham would be the roads towards Braintree via Cressing (B1018) or through Rivenhall and Silver End.

9.18 A number of road accidents have taken place in the vicinity of the proposed access as indicated in Document CG/3/A. One serious accident took place at the junction of the site access road and Church Lane; several others have taken place on a 650m length the A120, in the vicinity of the access road junction. The proposed development would result in a significant increase in the number of HGVs using the access road and the nearby sections of the A120.

9.19 The EEP encourages modes of transport other than by road for the transport of waste. The only type of access envisaged for the application proposal is by means of road transport.

*The eRCF, the permitted RCF and the allocation for waste management, WM1, in The Waste Local Plan*

9.20 The proposal is for a very large scale waste management facility in the countryside, involving the loss of 1.6 ha of woodland and the sinking of its 6ha built form, to its eaves, into the ground. It is accepted that the principle of a waste management facility, on a relatively modest 6 ha site, incorporating the existing hanger, was established in the WLP. It is also acknowledged that permission was granted by ECC for the RCF in February 2009. It is therefore important to consider the differences between the RCF and the eRCF.

9.21 The eRCF would have a larger footprint and there would be differences in the details of construction and amount of excavation necessary. However, the critical difference between the two schemes is the incorporation of the CHP plant in conjunction with the waste paper processing. This would necessitate a chimney stack of a diameter of 7m and at least 35m in height above existing ground level, with the possibility that the EA may require a larger chimney, as a result of the EP process, than is envisaged by the applicants.

9.22 On this point, the response of the EA to the consultation on the Addendum Environmental Statement is of concern. The EA appears to cast doubt on the

acceptability of a 35m stack in meeting the requirements to protect the local environment. The Agency refers to recent permits for plants with "significantly smaller" waste throughputs yet having stacks of 75m and 65m i.e. around double the height of the stack proposed by the applicants at Rivenhall Airfield. As indicated in Document CD/16/2, this raises a number of issues:

i. Why did the applicants not engage at an earlier stage with the EA, at least to establish the likely range of stack heights required?

ii. The reliability of the applicants' evidence in respect of emissions modelling and stack height. The EA letter casts doubt on whether a 35m stack would be Best Available Technology in respect of a number of issues. The ground level emissions take up too much headroom between ambient and total pollution levels. It is not enough to demonstrate that levels do not exceed legal maxima; air quality should be protected, especially where it is already good. Moreover, the EA questions the high exit flue temperature of 150 deg C and consider that this raises issues about the efficiency of the proposed re-use of heat within the plant. This could have an impact on the required stack height, as a more efficient use of heat would reduce exit temperature, and thereby reduce the buoyancy of the plume with a resulting need for a higher stack.

iii. How a recommendation to the SoS could encompass such a wide disparity between the applicants' position on stack height and that of the statutory regulatory body, the EA.

iv. The greater intrusion on the rural landscape that would be caused by a stack height of the order suggested by the EA, together with the likely increased visibility from conservation areas, listed buildings and footpaths.

v. The possibility that a grant of planning permission for the eRCF could not be implemented without a further application to ECC for a much higher chimney, when the issue of the chimney height had been a key planning issue at the Inquiry

*The visual impact of the chimney on the landscape*

9.23 The applicants accept that the chimney stack would be a noticeable addition to the landscape and that it would be visible from an extensive area, although they argue that the change to landscape character would be localized. However, there is a clear distinction between the solid chimney proposed and the lattice structure of the existing tower. Moreover, the chimney would draw the eye to the long, low building of the proposed IWMF, as can be seen in the montage at Document GF/5/D/2 – the view east from Sheepcotes Lane near Wolverton.

9.24 The applicants also accept that the perceived visual envelope of the development would extend over a considerable distance. However, the CG does not agree with the applicants' submission that "the chimney would be visible but only as a small element of the overall view and would not give rise to unacceptable levels of visual impact". The applicants' landscape witness focused on the impacts on a limited number of residential properties. The concerns of the CG are wider, going to the impact on all of those travelling across and enjoying the surrounding countryside.



9.25 The impact of the stack is illustrated in the visualisations at CG/2/B (appendix 1) and the related comments. Some of the applicants' montages, particularly the appearance of the proposed stack and the screening effect of trees, are not accurate representations of the proposal. The stack would be more prominent than shown, and many of the existing trees are shown unrealistically high. The differences between the applicants and the CG as to the extent of the visibility of the site have narrowed as evidence has been prepared. The CG's visualisations are similar to the applicants' montages at Document GF/5/D /6 (from Footpath 8 near Polish Camp) and Document GF /5/B/16 (from Woodhouse Farm Garden).

9.26 The chimney would be visually harmful because it would convey an emphatic large scale industrial image, which would be something alien to this rural location. However carefully the chimney was finished, whether mirrored or otherwise, it would be perceived in this way. It is very doubtful that the light cloud reflective effect in the applicants' montages would be seen for long periods. The applicants acknowledge that it would subject to both aspect and weather conditions. The damaging impact on the setting of the listed buildings and the Silver End Conservation Area follows from the above. The settings are part of the overall rural landscape and would be compromised by this very visible element of industrial character.

#### *Other impacts*

9.27 There is concern about the loss of woodland that would occur and the ecological impact of the development. The estimated period for the maturing of new habitats is very considerable. The applicants' ecological evidence indicates a 40 year medium term, and 80 years long term, requirement for woodland growth. In addition there is doubt as to the protection which could be given to the retained woodland on the edge of the excavation, given the depth and sheer sides of the proposed excavation.

9.28 The traffic/highway impact is put forward as being the same for the eRCF as the RCF, namely 202 HGVs in and 202 out, all via A120 existing access. A condition is proposed to ensure this. Both this safeguard and the HGV routeing scheme in the S106 agreement are essential.

9.29 The effect of artificial light at night is also of concern. Light pollution must be minimized, given the existing character of this area. There is a doubt as to how shift changes and other movement during the hours of darkness could take place without light escape.

9.30 The local community is worried about the impact of emissions and the potential risk to health. It is accepted that given the policy position in PPS 10 these matters would have to be further addressed by the EA in the consideration of the EP.

#### *Matters raised by the Secretary of State and the Inspector*

9.31 The above factors give rise to the following conclusions:

- The eRCF proposal is not in accord with the WLP 2001, because of its scale and the fact that it is much greater in extent than the Policy WM1 allocation. There is also conflict with the provisions of the EEP 2008, Section 8, and Policy ENV2 because

of the harm which would be caused by the visual intrusion of the chimney stack in the landscape. As a result of its height, this essential element of the eRCF would have an impact which could not be successfully mitigated.

- The incorporation of the chimney and its adverse impact on the landscape is in conflict with the aim of PPS 1, para.34 – it would be inappropriate in its context and harmful to the character and quality of the area.
- Similarly, the proposal is in conflict with Key Principles (iv) and (vi) of PPS 7 because of the harm that would be caused to the character of the countryside by the scale of the chimney.
- Visual intrusion is one of the locational factors in Annex E of PPS 10 – considerations include the setting of the proposed location.
- The setting of listed buildings in the vicinity of the site would be harmed by the visual intrusion of the chimney. The same harm would be caused to the setting of the Silver End Conservation Area on its eastern side. PPS 10, Annex E(e), PPG 15, and the LB&CA Act 1990 s.66 require that these factors are taken into account.
- The intrusive effect of the chimney would be readily perceived by users of the local footpath network. The degree of access to the countryside in this area afforded by the public rights of way is a significant factor in weighing the impact.

## **SECTION 10 - THE CASES FOR OTHER PARTIES AND INDIVIDUALS**

### **1. Saffron Walden Friends of the Earth (SWFOE)**

10.1 The case for SWFOE can be found at Documents OP/1 and OP/2.

10.2 The RCF proposal did not meet all the requirements of Defra's Waste Strategy for England (WSE) 2007, but the proposal was flexible and could have been modified. It was proportionate to the needs of Essex and provided an opportunity to deal with some C&I waste. WSE 2007 stipulates the need for flexibility. Waste disposal technology has changed and will change in the future. The achievement of recycling targets will change the amount and constitution of residual waste.

10.3 In contrast to the RCF, the proposed eRCF is excessive. It would provide facilities for the treatment of 850,000 tpa of waste, which is over 300,000 tonnes more than the total household waste arisings in Essex in 2007/8 (JMWMS Document CD/8/2). The proposal includes an incinerator.

10.4 Incinerators have to work within a tight schedule of feedstuff loads for safety and efficiency reasons. Changes in the MBT processes at Basildon or Rivenhall could result in lower tonnages of SRF than anticipated. There could also be pressure to retain plastic in the SRF to maintain bulk and calorific value. This would increase the fossil derived fuel carbon dioxide, with implications for carbon emission balances. The pressures for a regular supply of feedstock for the incinerator would have an impact on decisions taken with regard to the MBT processes. It is likely to encourage the production of more SRF at the eRCF, which could only be achieved by reducing

the amount of recycling and composting that would otherwise be achieved. As incinerators normally have a 25 year life span and require a constant supply of fuel, the whole system would be very inflexible. This is contrary to the flexibility required by WSE 2007.

10.5 The fundamental difference between the two schemes is the introduction of the paper pulping plant (MDIP) for the treatment of 360,000tpa of paper. Such plants are high users of electricity and heat. The MDIP operation would be an industrial process and could not be regarded as a recycling operation. As such it would be in contravention of the Braintree District Local Plan Review. Such a proposal should be subject to a separate application and EIA, which would consider the appropriateness of the choice of site for such a development, especially in relation to transport. It is likely that the waste paper would be sourced from many areas in the UK. Moreover, the A120 is already congested at Marks Tey. The manipulation of lorry loads to produce the same number of HGV movements for the eRCF as predicted for the RCF could prejudice the success of the MDIP. The complications of lorry journeys could make it more difficult for the facility to compete in the market.

10.6 The production requirements of the MDIP dictate the nature and size of the waste disposal facilities rather than the aims of the Essex Waste Strategy. Policy WM3 of the RSS requires local authorities to reduce the amount of imported waste. Imported waste should only be allowed if new specialist waste facilities requiring a wide catchment area would bring a clear benefit to the Region. As only 10% of paper waste is likely to be high grade, the provision of a specialist recycling facility is unlikely to provide a significant benefit to either Essex or the Region. Out of an intended intake of 360,000tpa high grade paper, only 29,000tpa would be from local waste supplies.

10.7 The MDIP would require water over and above that obtained from recycling and rainwater collection. Water abstraction could have an impact on the River Blackwater. A water study should have been undertaken to assess the impact of water requirements.

10.8 An incinerator or a CHP produces more CO<sub>2</sub> per tonne of waste than an AD. Notwithstanding this, the situation is complicated by the recommendation of the International Committee on Climate Change that biogenic CO<sub>2</sub> should not be taken into account as it has already been sequestered in the growing plant and the overall balance is neutral. This convention has been utilised in the WRATE assessment process. However, this is incorrect as biogenic CO<sub>2</sub> should be included in carbon emission calculations for a number of reasons; the most obvious being that it is still CO<sub>2</sub> contributing to climate change whereas sequestered carbon remains truly neutral. The WRATE model therefore dramatically underestimates greenhouse gas production. In the context of the waste hierarchy, the production of biogenic CO<sub>2</sub> is regarded as recovery and the energy created is part of the recycled energy target, which also qualifies as saving of the CO<sub>2</sub> created by the average national power station in producing the same amount of electricity. The CO<sub>2</sub> savings from surplus energy supplied to the national grid would depend upon the content of the SRF to be burnt. Predictions can only be approximate and the savings would probably be near to neutral, whereas with AD all electricity /heat generated would be recovery.

10.9 Under the 2006 Waste Framework Directive (WFD), which is currently applicable, and relevant case law, incineration is correctly classified as disposal rather than recovery, unless it can satisfy a number of tests. The combustion of the waste must fulfil a useful function as a means of generating energy and such combustion must replace a source of primary energy, which would otherwise have been used to fulfil that function. This is not the case in the eRCF proposal. Energy production would be a by-product of waste disposal.

10.10 The 2008 WFD will reclassify certain forms of incineration as recovery, rather than disposal, subject to the organic content of the waste and the efficiency of the incinerator (Extract from Consultation Document is included in Inquiry Document OP/2). The R1 test relates only to incineration facilities dedicated to the processing of MSW. It is doubtful whether the eRCF would meet these standards and the scheme would therefore be at the bottom of the waste hierarchy. Even if the incineration element of the eRCF could be classified as recovery, it would reduce the level of recycling and therefore run counter to the objectives of the waste hierarchy. Research by the FOE shows that, in general, incineration and recycling are competitive rather than complementary – they compete for the same waste streams. The incineration element would therefore reduce pressure for recycling, yet in Essex there is a huge disparity between the best and worst performing districts in terms of recycling.

10.11 Defra's WSE 2007 encourages energy from waste (EfW) as part of its energy balance, and advocates anaerobic digestion (AD) for this purpose. Nowhere is incineration specifically encouraged in WSE 2007. The eRCF would reduce the level of AD that would otherwise be undertaken, by introducing incineration.

10.12 The proposal runs directly counter to the County's JMWMS. Incineration is not envisaged in the JMWMS, whereas AD is repeatedly advocated as ECC's preferred option. Incineration could be harmful to public health. The recent Health Protection Agency report on 'The Impact on Health of Emissions to Air from Municipal Waste Incinerators' admits that 'although no absolute assurance of a zero effect on public health can be provided the additional burden on the health of the local population is likely to be very small'. The most difficult problem to assess is that of deposition of long lasting dioxins and furans into soil and onto crops and grass and thence into the food chain. In the early 1990s inadequately monitored mass burn incinerators created a serious problem by contaminating fish, milk, chicken and eggs, leading to a situation in some areas where babies were absorbing more than the safe level from mothers' milk. These incinerators have now been closed. Future levels depend entirely on operators maintaining good practices and carrying out regular monitoring, together with regular testing of background levels in the food chain by the public agencies responsible.

10.13 Dioxins cannot easily be continuously monitored. Escapes could occur between monitoring sessions. In relation to air quality, some continuous background modelling would provide a baseline. NO<sub>x</sub> assessments should have been included in the air quality assessment as it can have effects on vegetation and could therefore be an issue with County Wildlife Sites and agricultural land being at risk. No predictions have been provided for PM<sub>2.5</sub>. A limit value of 25µgms/m<sup>3</sup> for PM<sub>2.5</sub> is likely to be introduced into the EU Air Quality Directive before 2015. Traffic emissions should also have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than DMRB guidance.

10.14 The predicted levels of arsenic cannot be ignored and the matter cannot be left to a planning condition limiting emission levels to below the EAL. The modelling undertaken by the applicants may have been conservative, but arsenic is a carcinogen and so could be regarded as having no safe threshold limit.

10.15 When other satisfactory and safe methods of disposal are available, such as AD, then it is wrong to choose any alternative methods that pose serious health risks unless rigorously controlled. It is also noteworthy that SRFs can contain plastics and incineration of such material cannot be considered a recovery.

## **2. Colchester and North East Essex Friends of the Earth (CNEEFOE)**

10.16 The case for CNEEFOE can be found at Documents OP/6.

10.17 There is a long history of opposition to incineration in Essex. There is no need for such major facilities at Rivenhall. An incinerator for SRF would destroy valuable materials, increase pollution, and emit gases that would contribute to climate change. High recycling rates together with local composting would be less costly than a strategy of large centralised facilities involving incineration and long term contracts. Moreover, there is ample landfill capacity in the County.

10.18 Recycling is better than incineration and landfilling from a climate change point of view. Burning SRF is particularly polluting. A number of incinerator projects have proved to be costly disasters.

10.19 The site and access routes are not suitable to accommodate such a large industrial plant with the associated hundreds of additional HGV movements that it would generate. The proposed eRCF on the site would be harmful to wildlife, the rural landscape and the historic heritage of the area.

10.20 The paper pulping plant would be better sited adjacent to a plant making recycled paper, or at least near the coast or adjacent to a rail line where alternative means of transport could be employed.

10.21 AD plants should be sited near sources of food and agricultural waste. They should be local facilities rather than centralised plants. It would be far more efficient to use the biogas from an AD plant to heat homes, rather than to produce electricity.

10.22 Recyclables should be collected separately and sorted at the kerbside for local baling, rather than waste being mixed and having to be sent to an MRF. Materials become contaminated and degraded when mixed, and a centralised MRF would use far more energy than a system where separated waste is collected at the kerbside. Clean separately collected recyclables command higher prices than materials recovered by means of an MRF.

10.23 The proposal would inhibit the rapidly increasing recycling and composting rates that are taking place in Essex. Colchester has the highest usage of home compost bins in the UK. The amount of municipal waste collected by Councils in England has been decreasing over the last few years.

10.24 There is a need for flexibility in dealing with waste over the next decade. No long term contracts should be entered into. As indicated in Document OP/6 Appendix 7, such contracts would limit the ability to increase recycling and prevent new technologies being adopted.

10.25 The appeal proposal would shred and burn a valuable resource, thereby causing environmental damage and restricting opportunities to reduce the production of gases which contribute to climate change.

### **3. Mr Stewart Davis – Kelvedon Resident**

10.26 Mr Davis' submission can be found at Document OP/3. He points out that the A120/A12 route is already congested, and even if HGVs visiting the site were scheduled to avoid peak times, the periods of congestion during the day would be expanded.

10.27 Congestion would motivate drivers to seek other routes, which are unsuitable for HGV traffic. It would be impractical to enforce a contracted route, as this would require monitoring all vehicle trips.

10.28 The high quality pulp produced at the MDIP would have to be delivered in an uncontaminated state to paper mills. This would require the use of clean vehicles. Waste delivery vehicles may not be suitable, thereby resulting in more journeys than currently predicted by the applicants.

10.29 The need for the MDIP is questionable. A number of paper mills in the UK have closed recently because of over capacity in the market. Paper consumption is going down. The de-inking and remaking of paper uses more energy than making paper from new pulp obtained from sustainable forests.

10.30 The applicants have referred to obtaining waste from outside Essex. Where would it stop? Waste could be imported from anywhere with the result that roads would become more and more congested.

### **4. Mrs Eleanor Davis – Kelvedon Resident**

10.31 Mrs Davis' submission can be found at Document OP/4. She considers that the road network is inadequate to serve the development. Roads in the area are busy and frequently congested. Either the road network should be improved, or preferably waste should be delivered to such a site by rail.

10.32 There is no overriding need for an incinerator. Any need would decline over the next few years as efforts to reduce our carbon footprint result in reduced waste arisings and increased recycling.

10.33 The eRCF would be a blot on the landscape and would create undesirable emissions. The incinerator would attract waste from a wide area.

### **5. Mr Robert Gordon – Silver End Resident**

10.34 Mr Gordon lives in Silver End, 1km from the site of the proposed eRCF. He is concerned that noise and odour generated by the development would have a harmful

effect on the local population and on wildlife. The site is unique. It is a plateau inhabited by hares, skylarks and many other species. All would be at risk. A screening hedge would be of little use.

10.35 The impact of 400 HGV movements per day would be severe. Local roads would be affected, as the routing proposals would be subject to abuse.

10.36 The owner of the land has not recognised the significance of the site as an airfield used by the USAF and RAF.

## **6. Mrs Kate Ashton – Rivenhall Resident**

10.37 Mrs Ashton's evidence, and appendices, can be found at Document OP/5.

10.38 The roads between Kelvedon, Rivenhall and Silver End are not suitable to accommodate an increase in HGV traffic. They are winding and narrow. In places they are not wide enough to allow HGVs to pass one another. HGVs using the local road network would harm the character of the countryside and be extremely detrimental to highway safety. There can be no guarantee that all HGVs associated with the proposed development would follow the defined access route.

10.39 In addition, there is potential for further mineral development in the area. If this and the eRCF development were to take place, an industrial landscape would be created and the character of the countryside would be destroyed. Such a combination of development would result in more than 1000 additional HGV movements on the A120. This would cause such serious congestion that lorries would be forced to use the local road network.

10.40 It was originally proposed that a waste treatment plant at Rivenhall Airfield would deal with local waste. However, the proposal has grown to an extent that it would be a major industrial development that would deal with waste from as far afield as the East Midlands. The complex would so large that it would ruin the rural character of the area. The proposed chimney stack would be seen for miles.

10.41 There can be no guarantee that emissions would not cause harm to human health or wildlife. The development has the potential to produce odours and bio-aerosols. Mrs Ashton's husband and son both suffer from asthma, and this would undoubtedly be exacerbated by any emissions.

10.42 Waste recycling figures in Braintree District Council are well ahead of targets. Waste management in the future should be undertaken within each district, and not on a vast centralised basis which increases the need for transport and environmental impacts.

## **6. Mr Brian Saville**

10.43 Mr Saville lives at Herons Farm, which overlooks the application site. His family have lived there for generations. He regularly uses Church Road and is concerned about road safety at the access road junctions with Church Road and Ash Lane. On three occasions last year, vehicles came out of the Quarry access road immediately in front of his car, whilst he was travelling along Church Road. The access road is used as a 'rat run' when congestion occurs on the A120. There have

been two major accidents in the past, one at the Church Road junction and the other at the Ash Lane junction.

10.44 At present the access road carries about 200 to 300 vehicles per day. Adding a further 400 HGV movements would result in extremely dangerous conditions for road users. Many HGVs slow down, but do not stop at the junction. The proposal to trim existing hedges and replace signs would have little impact on road safety.

## **7. Ms Felicity Mawson - Witham Resident**

10.45 Ms Mawson's statement can be found at Document OP/7. She is concerned that the future generation would have to suffer the 'blot on the landscape' that would be created by the development of the eRCF. The countryside would be despoiled.

10.46 HGVs would be likely to use the local road network, as the A12 road is already busy and congested. This would cause additional noise, vibration and reduced air quality from exhaust fumes. Local people's health and quality of life would be compromised.

10.47 Ms Mawson is also concerned about the consequences of potential accidents and the release of pollutants at the plant. Such a large plant would concentrate the various risks in one place.

## **SECTION 11 - WRITTEN REPRESENTATIONS**

11.1 The application has been subject to three consultation periods; the first following the submission of the original application and ES, the second following the submission of the Regulation 19 additional information, and the third following the submission of the addendum to the ES. The responses to the first two consultation periods are summarised in the report to the ECC Development and Regulation Committee (Section 6 of Document CD/2/12A). Amongst other things these indicate that the East of England Development Agency broadly supports the application; the Highways Agency was satisfied that the proposal would not have an adverse effect on the A120 Trunk road, and the Environment Agency (EA) indicated that it had no objection subject to a number of comments. The EA pointed out that various mitigation measures should be undertaken and that an Environmental Permit would have to be obtained which would require the applicants to demonstrate that a high level of protection of the environment would be achieved. The Primary Care trust also had no objection, subject to certain mitigation measures being implemented in relation to air quality and road safety.

11.2 The Highway Authority did not object to the proposals subject to a number of highway improvements being secured by means of condition or legal agreement. Natural England (NE) also had no objection, provided proposed mitigation measures are undertaken. NE considered that the proposed ecological management plan would have a long term positive impact on ecological assets. However, Essex Wildlife Trust objected to the proposals on a number of grounds, including the proposed loss of 50m of species rich hedgerow, the loss of 1.6ha of woodland and resulting disturbance to the remaining area, and the loss of 19.1ha of open habitats. The Ramblers' Association also objected to the scheme pointing out that the airfield is on an elevated site which provides commanding views in all directions. The Association considers that the site has many of the characteristics of a greenfield site. It argues



that noise, dust, and traffic would be a nuisance for nearby residents and users of the local rights of way network. Written objections were also made by Braintree DC, a number of Parish Councils and the CPRE Essex. The objections from these bodies were expanded upon and explained by witnesses at the inquiry and are set out in preceding sections of this report.

11.3 In addition to the consultation responses, ECC received representations from 820 individuals and organisations, the vast majority objecting to the proposals. These can be found at Document 3. A summary of the representations is set out in Appendix F of Document CD/2/12/A. Amongst other things, objectors submit that there is no overriding need for the development and that such development is contrary to prevailing planning policy, in terms of national guidance and the development plan. Moreover, it is argued that the site and proposed development are far larger than that set out in the WLP and are excessive in terms of the needs of North Essex. The proposal is in breach of the proximity principle and would result in inappropriate industrial development in the countryside. There is concern that waste would be imported from outside Essex. Objectors argue that such development should be located near the coast, away from human habitation, and close to infrastructure that would provide appropriate access.

11.4 It is also argued that development would blight the countryside. The scheme would be readily visible in the landscape and the proposed chimney stack would be very prominent and visible for miles. The proposed height of the stack is uncertain. The photomontages presented by the applicants are inaccurate. Moreover, they show trees in leaf and therefore suggest greater screening than would be available in winter. The long term viability of the remaining trees is in doubt because of the reduction in water that would be available. New planting would not be effective as a screen for 10 to 15 years. There would be a loss of good quality agricultural land.

11.5 There is also concern that the development would result in a loss of habitats, grassland and woodland. It would be detrimental to protected species. The proposal would be harmful to the Upper Blackwater Special Landscape Area (SLA) as the access road passes through the SLA.

11.6 Objectors submit that the development would discourage recycling. It is argued that waste management should be undertaken at a District level and that facilities such as the CHP cannot run economically without a guaranteed supply of combustible material.

11.7 In relation to traffic generation, it is submitted that the number of vehicles anticipated by the applicants is not realistic and the road network would not be able to cope with the increased traffic. The A12 and A120 are already congested at peak periods and when accidents occur. At such times, HGVs associated with the site would use the local road network. There has been no attempt to make use of other forms of transport. Moreover, the additional traffic would contravene Government guidelines on CO<sub>2</sub> emissions and carbon footprints.

11.8 Objectors consider that the proposals would cause problems of light pollution, litter, odour, dust, noise and disturbance, and would encourage vermin. This would be harmful to the living conditions of local residents.

11.9 There is also concern about the impact of emissions from the eRCF on human health, wildlife and the growing of crops. The proposal could result in contamination of ground and surface water. Moreover, there is a risk of accidents which could pose a hazard.

11.10 There would be a detrimental impact on listed buildings in the area. The setting of Woodhouse Farm would be affected by the proposed nearby chimney and the car park.

11.11 In addition to the representations submitted to ECC, consultation responses were sent the Planning Inspectorate on the Addendum to the ES. Moreover, more than 80 further written representations were submitted which can be found at Documents CD/15/1 to 7. Again, the vast majority of these representations are objections to the proposal. The representations reflect many of the arguments set out in the representations sent to ECC and point out that only one letter of support for the proposal was submitted. It is argued that the proposals are in conflict with national, regional and local planning policies and do not represent the Best Practical Environmental Option. The proposal is for a large scale industrial development in the countryside. It would be poorly located and harmful to the quiet rural character of the area and to wildlife and protected species. It would be inadequately screened and readily visible in the landscape.

11.12 The chimney stack would be a prominent and intrusive feature, which could not be disguised or blended into the colour of the sky. Moreover, there is no certainty that a 35m high chimney would be adequate. The planning application and Environmental Permit application should have been progressed together. Government guidance encourages certainty in the planning system and suggests that applicants should work with pollution control authorities. If it were eventually decided by the EA that a 40m or even 45m high stack was necessary, a further planning application would be required.

11.13 Objectors submit that the eRCF would cause light pollution in an area that is light sensitive. Furthermore it would create noise and disturbance, dust and odour, and attract vermin and seagulls. It would be harmful to the living conditions of local residents. It would result in the loss of Grade 3a agricultural land. Moreover, the development conflicts with the proximity principle and is entirely reliant on road transport. The anticipated HGV traffic figures are unreliable. The additional HGV traffic would exacerbate congestion and create safety problems, particularly on local roads and at the junctions of the access road with Church Road and Ash Lane. Congestion on the A120 is already a problem. On many days traffic travelling in an easterly direction is almost stationary from Marks Tey to past Coggeshall, and in a westerly direction from the Quarry access road to Braintree roundabout.

11.14 Again, it is argued that the proposal would create a risk to human health and the environment, and that the potential for the development to emit harmful gases and contaminate ground water has not been adequately assessed. The emissions of arsenic and lead would be close to legal limits. Lead levels could rise to more than 5 times the background levels. Furthermore, there has been a failure to predict or monitor NO<sub>x</sub> changes, which can have a significant impact on vegetation. In addition, there is uncertainty over the wind direction data used by the applicants. The need for the development has not been justified and the development would discourage recycling. There is a need for flexibility in waste management in future

years. The eRCF proposal does not permit such flexibility. Moreover, it would result in waste being imported into Essex.

11.15 It is also submitted that the development would harm the setting of many listed buildings and the conservation area at Silver End. There is concern that the proposal would be detrimental to the historic value of the airfield.

11.16 Brooks Newmark MP, the local Member of Parliament, indicates that he is opposed to the construction of an incinerator at Rivenhall. He shares many of the concerns of local residents and considers that such development is neither in keeping with the needs of the local community nor the countryside.

11.17 Natural England (NE) confirms that it raised no objection to the application when initially consulted. It accepts the view expressed in the Addendum ES that the site comprises a range of habitats and that these suggest that the UK Biodiversity Action Plan Priority Habitat, Open Habitat Mosaics on Previously Developed Land is applicable. However, it appears to lack many of the key physical features commonly regarded as increasing biodiversity, and any areas of marginal or pioneer habitat are small and widely dispersed. NE agrees that ECC were justified in assigning only a limited level of significance to the site's Habitats Action Plan status under its PPS9 duties.

11.18 Jeremy Elden, Director of Glendale Power Ltd, indicates that the company has recently announced plans for a 30,000 tpa Anaerobic Digestion (AD) power station and associated CHP system in Halstead, some 8 miles (13 kms) from the application site (Document CD/15/5/B). The plant is intended to process segregated organic waste. An AD plant smaller than that proposed at Rivenhall has been chosen for a number of reasons. Firstly, it would meet a local need rather than a larger or regional need. Secondly, it would be linked to a district heating scheme. This is only economical for small generators, as the quantity of heat involved in larger generators would be too much to meet the requirements of users within a radius of about 500 metres, which is a feasible distance to carry heat by means of hot water. Thirdly, larger plants inevitably involve greater transport distances for materials which offsets any economies of scale.

11.19 Mr Elden points out that in Essex there two main sources of organic waste suitable for feedstock for an AD plant of the type contemplated by Glendale Power, namely municipal and C&I waste. The Essex Waste Partnership of local authorities together with Colchester BC anticipates a total of 88,000tpa of municipal demand. C&I quantities are harder to assess. One estimate based on population and total UK volumes, suggests a C&I feedstock availability in Essex of around 105,000 tpa. An alternative estimate based on the 2008 Regional Biowastes Study produced by Eunomia for the East of England Regional Assembly gives an estimate of 84,000 tpa C&I feedstocks within the county. Total feedstocks in the County are therefore around 170,000tpa of which about 30-40,000tpa are currently treated. Based on a transport cost versus plant size analysis, Glendale Power considers that the most economic size of AD plant has a capacity in the range of 30-45,000 tpa. In view of Glendale Power's proposal, the applicants are incorrect to suggest few, if any alternative waste processing facilities are likely to be developed in Essex apart from one or more major facilities at Basildon, Rivenhall or Stanway.

11.20 In a letter dated 13 October 2009 (CD/15/7), the Environment Agency (EA) comments on the Addendum to the ES, pointing out that it is concerned that “the proposed stack height of 35m may not provide the best level of protection for the local environment, in particular for short term means of SO<sub>2</sub> and NO<sub>2</sub> and long term means for several of the trace elements which have very low Environmental Assessment Levels (EALs)”. The EA draws attention to a number of EfW plants for which it has recently granted permits and which have stack heights considerably higher than that proposed for the application site, together with significantly smaller annual throughputs. The Agency provides further comments on the Addendum, notably pointing out that it is not acceptable for the applicants to simply state that EALs are predicted not to be breached. Best Available Technique (BAT) requires minimisation of any impact.

11.21 However, in a subsequent letter (Document CD/16/1) the EA seeks to highlight that it is not objecting to the eRCF, but wishes to make clear that a future environmental permit may contradict the requirements of a planning permission. If the stack height was restricted to 35 metres by a planning permission, there may be options other than an increased height of stack available to the applicants to ensure that the best level of protection is afforded to the local environment, such as more stringent emission limits, should this prove necessary. However, until a detailed assessment is conducted during the determination of a permit application, there can be no guarantee that the stack height proposed would represent the Best Available Techniques (BAT) to minimise the impact of the installation on the environment. The EA points out that the detailed comments made in the appendix of the letter dated 13 October 2009 were intended to identify specific areas where further work would be required to adequately demonstrate that BAT was being used to minimise the environmental impact.

11.22 Although reference was made in the letter dated 13 October to two other EfW plants with taller stacks, the EA points out that each case must be taken on its own merits and the necessary stack height would depend on site and installation specific characteristics. It cannot be inferred that a shorter stack would not be acceptable. However, limiting the stack height would reduce the options available to the applicants to ensure that air quality is satisfactorily protected.

11.23 Feering Parish Council (PC) is concerned about the impact of emissions from the plant and subsequent air pollution. It is also concerned about the detrimental impact of additional traffic that would be generated on the local road network, particularly when the A12 or A120 were closed. The PC submits that there should be a rail link provided to the site. It is also suggested that if planning permission were granted, a S106 agreement should be drawn up to provide a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering.

## **SECTION 12 - CONDITIONS AND OBLIGATIONS**

12.1 Document ECC/8 sets out the final version of the conditions suggested by ECC. The first column gives the original set of conditions which ECC intended to impose following its resolution to grant planning permission for the eRCF on 24 April 2009. The central column sets out the latest set of suggested conditions after discussions

with the applicants, together with the reasons for those conditions. The third column sets out, where applicable, comments by the applicants and ECC.

12.2 Turning to the list of conditions, ECC and the applicants submit that the nature of the development justifies a 5 year period for commencement of the development, with 30 days notification of commencement. These are considered to be realistic limits by the main parties.

12.3 The maximum number of HGV movements permitted in relation to the eRCF would be the same as that allowed by the extant permission for the RCF. No assessment has been made of the impact of a larger number of additional movements. The LCG considers that the condition would be difficult to enforce other than after the event of a breach. The applicants are satisfied that the number of HGV movements permitted by Condition 3 would be sufficient to allow the IWMF to operate efficiently. The number of HGV movements permitted on Sunday and Bank Holidays is not identified but would be limited to operations permitted by conditions 34 and 36. These conditions relate to temporary changes approved in writing by the WPA and the clearance of waste from Household Recycling Centres which again would be largely under the control of the WPA.

12.4 Condition 5 requires a daily record of HGV movements in and out of the site. In order to provide information that would assist in the monitoring of the traffic routing provisions set out in the S106 agreement (see paragraphs 12.21-22 below), it is suggested that Condition 5 should include a requirement to log the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded. The applicants query the necessity to record such movements as the condition is intended to help control vehicle movements.

12.5 The LCG would like to see a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. The applicants could eventually claim that they have failed to achieve further planning consent and Listed Building Consent (LBC) for the Woodhouse Farm complex and no refurbishment would be undertaken. It is argued that to bring the building into a good state of repair would not necessarily require further planning permission and LBC. However, the applicants point out that the covenants of the S106 agreement require the developer to make application for beneficial re-use of the building and to use reasonable endeavours to reinstate and refurbish the farm complex. ECC points out that the works required to bring the buildings into a good state of repair are substantial and may well require LBC in any case.

12.6 Condition 16 requires provision of an artistic feature on or near the north elevation of the proposed IWMF. BDLPR Policy RLP94 indicates that the District Council will seek the promotion of public art or local crafts in the public realm and that major development will make provision for the commissioning of suitable and durable features. It is pointed out that the site could be seen from the public footpath network.

12.7 Condition 17 requires a management plan to be submitted to ensure that there is no visible plume from the stack. The applicants argue that this requirement overlaps with the environmental permitting regime. ECC submits that it is a planning

matter which the EA may not address. The LCG are concerned that the condition does not categorically state that there will be no plume.

12.8 In relation to Condition 21, the LCG points out that no parking areas have been shown on the plans for the parking of HGVs. In response, the applicants submit that there is no intention to provide any substantial parking for HGVs in the open air on the site.

12.9 The LCG considers that a condition should be imposed requiring electricity produced at the plant to go to the National Grid. However, the applicants point out that it is not entirely within their control that the electricity produced at the plant would be supplied to the National Grid.

12.10 In relation to Condition 28, ECC submits that SRF should only be sourced from elsewhere in the East of England for a period of one year from the date of agreement with the WPA. In contrast the applicants argue that the sourcing of such material should be permitted for a period of 5 years, as a period of only one year would lead to problems of uncertainty.

12.11 Turning to condition 30, ECC submits that the proposed condition allowing some paper waste from outside the region is reasonable because it takes account of the fact that the applicants may not initially be able to source 80% of the paper feed from within the region - it provides a mechanism for agreeing a larger proportion. The applicants argue that the MDIP would be a unique facility in the UK and that the condition is unreasonable. It would not be possible to immediately source 80% of the feedstock from within the region and the relaxation allowed under the condition would therefore be necessary at the outset. Moreover, Policy WM3 of the East of England Plan (Document CD/5/1) indicates allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit. The principle of self sufficiency therefore does not apply in this respect. The applicants argue that a restriction limiting feedstock to within a radius by road of 150km, or to the 3 regions bounding the East of England would be more reasonable and practical. This would help to control the distance feedstocks were transported and thereby limit emissions resulting from the transport of waste. The modelling of the carbon benefits of the eRCF was predicated on an average travel distance of 100km per kg of waste.

12.12 However, ECC submits that even in the circumstances where an immediate relaxation is necessary, the suggested condition is reasonable, because the terms of the condition require ECC to authorise a greater proportion of imports. There are no circumstances where the condition would be unreasonable. At the same time, the condition ensures that the applicants have an incentive to seek feedstock from within the region, and that an initial inability to do so would not result in a total abandonment of the proximity and self sufficiency principle in the future. The figure of 20% is derived from the application. The regulation 19 information provided by the applicants stated that the Region could provide a significant proportion if not all of the paper feed stock for the MDIP [CD 2/10, p19-16]. This forms the basis of ECC's 20%/80% split.

12.13 The LCG are opposed to Condition 35 insofar as it would allow construction to take place for 12 hours on Sundays. ECC points out that a similar condition was applied to the RCF permission and the applicants argue that the PFI programme

expectations suggest that the plant would need to be constructed within 2 years which may well necessitate Sunday working.

12.14 There is some concern that Condition 38 does not specify where the noise measurements should be made. It is suggested that the wording in the last sentence of Condition 39 should be added to Condition 38.

12.15 Cllr Abbott for the LCG is concerned that Conditions 39 and 40 allow much higher noise levels than predicted by the applicants. The proposed (LAeq 1hour) limit is 42dB between 1900 and 2300 hours, and 40 dB between 2300 and 0700, whereas the application predicts levels of 30dB and as low as 22dB. Moreover, it is considered that Condition 42 is unreasonable in allowing an increase in noise up to 70dB (LAeq 1 hour) for up to 8 weeks per year. Condition 41 is considered to be inadequate.

12.16 The LCG considers that Condition 44 should specifically require lighting with zero tilt and that lights should not be sited above existing ground levels. In response ECC submits that the condition provides adequate control. It considers that specific controls imposed at this stage, before the lighting scheme is finally designed, could be counter-productive.

12.17 The applicants submit that Condition 52 should be deleted as it is a matter that would be dealt with when application is made for an Environmental Permit (EP). However, ECC points out that the EP would not control the excavation and construction of the plant and the condition is not unduly restrictive.

12.18 The LCG would like to see a complete prohibition of the works set out in Condition 55 during the bird nesting season. The applicants point out that this would be unreasonable if no bird nesting were taking place at the location in question.

12.19 Amongst other things, Condition 56 controls the height of the proposed stack. The applicants consider that it is unlikely that the EA would require a stack taller than 85m AOD (35 m above existing ground level) as part of the EP process. Nevertheless, the visual impact of a stack up to 90m AOD in height has been assessed and shown in at least one montage submitted by the applicants. The applicants seek the SoS's view on this matter. A Section 73 application would have to be made if a taller stack were to be required, but the views of the SoS would obviously be helpful if they were known in advance.

12.20 Condition 60 relates to the management and watering of trees adjacent to the proposed retaining wall for the period of excavation and construction of the IWMF. The LCG submits that these measures should continue during the operational phase. However, ECC argues that the trees rely on surface water rather than ground water in the substrata and therefore there would be no need to continue watering after construction is complete.

12.21 A conformed and a certified copy of the completed S106 agreement can be found at Document CD/14/5. The S106 agreement includes a covenant whereby the developer would not implement the planning permission until the highway works set out in Schedule 1 were completed. The works include improvements to the access road crossings at Church Road and Ash Lane and at locations where public rights of way cross the access road. These works are necessary in the interests of the safety

of users of the local highway and rights of way network. Some parts of the proposed highway works would be dedicated where they would form part of the public highway network. A section of the existing access road would also be widened.

12.22 The document also makes provision for a traffic routing management scheme in a form to be agreed with the County Council. Plan No 2 of the document shows the routes intended for HGVs and Schedule 6 sets out details of the scheme.

12.23 The third schedule relates to the setting up of a Site Liaison Committee. This would provide a forum between the operator, the local authorities and the local population to discuss the ongoing operations of the development and to assess compliance with various aspects of the control of the development. It would provide an opportunity for the results of air quality monitoring required by the EA, and ground water monitoring results to be presented to representatives of the local community. The LCG would like to see ambient air quality monitoring being undertaken at specified receptor locations. However, the applicants point out that this would be subject to so many variables that the data would be of limited value and it would be preferable and more meaningful to monitor emissions from the stack as is likely to be required by the EA.

12.24 The document also makes provision for the refurbishment of the Woodhouse Farm complex, providing amongst other things an education centre for the public, and an area to be set aside for local heritage, and an airfield museum.

12.25 The fourth schedule relates to a management plan to ensure that all retained and proposed vegetation is managed in a manner that would mitigate the visual impact of the development and improve and enhance the ecological value of the area. The management plan would cover a period of 20 years from the commencement of beneficial use of the facility. The document also provides for the planting of trees and shrubs for woodland and hedgerow areas, and seeding for areas of open habitat.

12.26 Clause 3.15 of the document seeks to ensure that the development is implemented and that the permission is not used merely to extract minerals from the site.

12.27 The document also makes provision for a level two and, where appropriate, a level three survey, in accordance with the 2006 English Heritage guidance entitled 'Understanding Historic Buildings: A guide to good recording practice', for all buildings and structures within a defined area set out in the document. It also provides for funding a presentation of the findings.

12.28 Provision is made for a groundwater monitoring scheme to be undertaken and if necessary for mitigation measures to be taken. The monitoring would continue until such time as it could be demonstrated that the development would not cause material adverse effects on ground water levels.

12.29 The agreement also links the Paper Recycling Facility (MDIP) to the CHP plant, except for periods of maintenance, thereby ensuring that the MDIP is an integral part of the overall plant.



12.30 The eighth schedule makes provision for the setting up of a Community Trust Fund to fund local community projects, and requires the developer to pay to the Trust Fund 5 pence per tonne of waste imported to the site.

## **SECTION 13 - INSPECTOR'S CONCLUSIONS**

*Note: Source references to earlier paragraphs of this report are shown in brackets thus [ ].*

13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the application should be determined in accordance with the development plan unless material considerations indicate otherwise. Bearing in mind the matters on which the Secretary of State (SoS) wishes to be informed, the evidence submitted at the inquiry, the written submissions and my inspections of the site and its surroundings, I consider that the main considerations in this case are as follows:

- i. the relationship of the proposed development to prevailing planning policy;
- ii. whether the design of the proposal is of high quality and would result in a sustainable form of development;
- iii. the visual impact of the proposal and its effect on the character of the surrounding area and the wider countryside, bearing in mind the guidance in Planning Policy Statement (PPS) 7;
- iv. the extent to which the proposal is consistent with advice in PPS10 to provide adequate waste management facilities for the re-use, recovery and disposal of waste and to ensure that decisions take account of the waste hierarchy, the proximity principle and regional self-sufficiency;
- v. whether there is a need for a facility of the proposed size;
- vi. whether the overall scheme, including the de-inking and paper pulping facility, represents a viable proposal;
- vii. the weight to be given to the fallback position of the RCF permission granted in 2007;
- viii. whether there is a need for the scheme to provide flexibility to accommodate future changes in waste arisings and the way in which waste is dealt with, and if so, whether the scheme takes account of such need;
- ix. the effect of the scheme on the living conditions of local residents with particular regard to noise and disturbance, air quality, odour, dust, litter, outlook, and light pollution;
- x. whether the development would create a material risk to human health;
- xi. the effect of the proposal on highway safety and the free flow of traffic on the highway network;
- xii. the effect of the proposal on the local right of way network;
- xiii. the implications for the local ground and surface water regimes;
- xiv. the implications of the associated loss of Grade 3a agricultural land;
- xv. the effect of the proposal on habitats, wildlife and protected species;
- xvi. the impacts on the setting of listed buildings in the locality and the setting of the Silver End Conservation Area, and the desirability of preserving the listed

buildings or their settings or any features of special architectural or historic interest which they possess; and,

xvii. the effect on the historic value of the airfield.

### **i. Prevailing Planning Policy**

13.2 When considering the extent to which the scheme is in accord with the development plan, the applicants submit that only the Regional Spatial Strategy (RSS) (which I shall refer to as the East of England Plan (EEP)) is up to date. I agree that it is the most up to date of the documents which make up the development plan, but the saved policies of the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011 (ESRSP), the Essex and Southend Waste Local Plan (WLP) and the Braintree District Local Plan Review (BDLPR) are also of relevance in this case. Some policies in the WLP require consideration of the Best Practical Environmental Option (BPEO), whereas the Companion Guide to PPS10 indicates that there is no policy expectation for the application of BPEO, and that requirements that are inconsistent with PPS10 should not be placed on applicants. Nevertheless, it seems to me that the WLP is still broadly consistent with the subsequent PPS10. [3.4, 6.54, 8.53]

13.3 Many objectors argue that the proposal does not accord with the development plan. ECC, however, points out that although the proposal does not comply with some policy, a whole raft of development plan and national policy guidance is supportive of the eRCF scheme. ECC considers the proposal is a departure from the development plan primarily for two reasons, although they argue that these are not significant departures. Firstly, the site extends beyond the boundaries of the site allocated for waste management in WLP Policy W8A and Schedule WM1. Nevertheless, the principle of developing a waste management facility at this location accessed off the A120 is supported by the development plan. Moreover, the allocation does not incorporate land for access and does not include Woodhouse Farm. The former is a necessary part of any proposal and the latter is an element of the scheme which is clearly beneficial in this case. It must also be borne in mind that the RCF permission establishes the principle of waste management facilities extending beyond the allocated site. For these reasons, I agree with ECC that the weight to be given to this departure is limited. [3.4, 7.1, 7.5-7.7, 8.53, 11.3]

13.4 The second reason is that the Market De-inked Paper Pulp facility (MDIP) is considered to be an industrial activity. Siting such development in the countryside would be contrary to BDLPR Policies RLP27 & RLP78. Policy RLP27 seeks to ensure that development for employment is concentrated on suitable sites in towns and villages. However, it seems to me that the MDIP is an integrated part of the eRCF designed to recover high quality pulp from waste. EU waste legislation and policy indicates that waste remains waste until it is recovered. The processing of waste paper through the MDIP would be a waste management process. I have no hesitation in concluding that the MDIP would be a waste management facility. The BDLPR does not regulate waste development. Notwithstanding this, the focus of Policy RLP27 is on the strategic location of employment and traffic generators. The RCF which has already been permitted is also a generator of employment and traffic and there is little difference between it and the eRCF in this respect. [3.5, 6.64, 7.9, 8.55]

13.5 Policy RLP78 seeks to restrict new development in the countryside. However, a large part of the area where the integrated waste management facility

(IWMF) buildings are proposed is allocated for waste management facilities and again the permitted development of the RCF establishes the principle of large scale waste management development at this site. For these reasons, I give only limited weight to the claimed conflict with BDLPR Policies RLP27 & RLP78 on these matters.

13.6 Need is a matter to be addressed under the development plan. Amongst other things WLP Policy W8A seeks to ensure that there is a need for the facility to manage waste arising in Essex and Southend. The consideration of need also arises in the guidance of PPS10. I assess the need for the eRCF below and conclude that there is a need for waste treatment facilities having a capacity at least that of the proposed eRCF in order to achieve the national waste objectives set out in PPS10 and Policy MW1 of the EEP, and to achieve the recycling targets for Essex and the East of England, set out in Policy MW2 of the EEP. [6.55, 7.11, 7.12]

13.7 The LCG submits that the proposal does not comply with EEP Policy WM1, pointing out that the policy requires the environmental impact of waste management to be minimised, including impacts arising from the movement of waste. I have considered these issues under a number of headings below, and although the development would have a number of detrimental impacts, including an impact on the character and appearance of the area; increased HGV movements on the A120; a detrimental impact on the living conditions of local residents; and loss of Grade 3a agricultural land; I am not convinced that the impacts are so great that they make the proposal unacceptable. In my opinion, the scheme has been designed to minimise the impact of waste management and does not therefore conflict with EEP Policy WM1. [8.56]

13.8 I am satisfied that the proposed MDIP is consistent with EEP Policy WM3. It would enable the recovery of locally arising wastes together with higher grade waste paper attracted from outside the region because of the absence of similar facilities in the UK. [6.56]

13.9 Objectors point to the congestion which presently occurs on the A120 and submit that, by adding further HGV traffic to the A120, the proposal would conflict with EEP Policy T6 which, amongst other things, seeks to improve journey reliability on the regional road network as a result of tackling congestion. However, paragraph 7.18 of the EEP makes it clear that the regional road network should be the lowest level road network carrying significant volumes of HGVs. Policy T6 relates to the improvement, management and maintenance of the strategic and regional road networks, and thereby aims to ensure that they are fit for purpose. Traffic generated by the proposal would access the site directly via the A120 Trunk road and would therefore be directed immediately to the appropriate road network level. In this respect the proposal does not conflict with EEP Policy T6. [6.75, 8.34]

13.10 For all the above reasons, I consider that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies. For example, the loss of Grade 3a agricultural land would be in conflict with BDLPR Policy RLP 88, and the visual impact of the chimney would have some detrimental impact on the landscape character and thereby conflict with the objectives of RLP 78 and EEP Policy ENV2. However, in relation to the requirements of EEP Policy ENV2, it is arguable that appropriate mitigation measures would be provided to meet the unavoidable damage to the landscape character that would be caused by the proposed chimney stack. [6.85, 8.55, 9.31]

13.11 I have considered the proposal in the light of national guidance. Whilst there is some conflict with the guidance, again for example, the loss of agricultural land and the impact of the proposed stack on the landscape character, I am nevertheless satisfied, for the reasons given in the following sections, that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23.

## **ii. The quality of the design and sustainability implications**

13.12 The design, layout, scale, dimensions and external finishes of the eRCF are similar to those of the RCF, albeit that the eRCF would have a footprint about 17% larger than the permitted scheme. The main difference between the schemes is the addition of the MDIP facility, the CHP plant, and the stack. Bearing in mind the nature and size of the proposed development, I consider that it would be remarkably discreet within the landscape. The IWMF would be sited below existing ground level which would result in a large proportion of the structure being hidden from view and the rooftop level of the main buildings would be no higher than the existing hangar on the site. Moreover, the large arched roofs of the main buildings would resemble those of an aircraft hangar and thereby reflect the past use of the site as an airfield. [6.6, 6.94, 7.19, 8.25]

13.13 The cladding materials would be dark and recessive and the green roof of the main buildings would be colonised with mosses. The application site lies in an unlit area which is sensitive to light pollution. However, it seems to me that lighting at the site would be as unobtrusive as possible. Most, if not all, lighting units would be sited below existing ground level and designed to avoid light spillage. In addition, the extension to the access road would be built in cutting or on the existing quarry floor so that traffic generated by the site would be screened from many viewpoints, although the access road would be crossed by a number of footpaths. [6.6, 6.84, 6.93, 7.20, 11.3]

13.14 I consider that the combination of the above features, together with the proposed additional woodland and hedgerow planting, would help to alleviate the impact that such a large development would have upon its surroundings. In relation to the RCF proposal, CABE commented that the location was suitable for a waste management facility and that the proposed architectural treatment and sinking of the building and approach road into the ground raised no concerns. CABE made no consultation response in relation to the eRCF. [6.95, 7.19, 7.28]

13.15 The proposed stack would be an intrusive feature in the landscape. Again, however, the design of the scheme has sought to minimize this impact. The scheme has been amended so that only one stack would be built, albeit that it would be some 7m wide. Nevertheless, it is predicted that there would be no visible plume rising from the stack and the structure would be clad in a reflective finish. This and its siting, where a significant proportion would be screened from view, would help to mitigate its impact. [6.4, 6.82, 6.116, 7.20, 9.23-26, 11.4, 11.12, 12.7]

13.16 It seems to me that each of the waste management processes within the eRCF would benefit from the proposed integration with others. However, there is sufficient capacity in each of the processes to allow for variation thereby providing flexibility of use. [6.97]

13.17 The Climate Change Supplement to PPS1 requires that proposals make an appropriate contribution to climate change. Analysis using the EA's 'WRATE' Life Cycle Assessment Model indicates that the eRCF would result in a significant reduction in CO<sub>2</sub> emissions. The total savings of CO<sub>2</sub> by 2020 would be in excess of 70,000 tpa which compares favourably with the 37,000 tpa savings from the RCF. The integrated nature of the development would enable the power supply required to run the entire plant to be self generated at a lower carbon emission rate than electricity drawn from the National Grid. Decoupling the CHP from the rest of the scheme would require 25MW of electricity from the National Grid to power the waste management processes. [6.99, 6.100]

13.18 I am mindful that the WRATE analysis does not take account of the production of biogenic CO<sub>2</sub> in the carbon balance. This approach is justified on the basis that CO<sub>2</sub> has already been sequestered in the growing plant and the overall balance is therefore neutral. Saffron Walden Friends of the Earth (SWFOE), on the other hand submits that biogenic CO<sub>2</sub> should be included in carbon emission calculations, not least because the production of biogenic CO<sub>2</sub> contributes to climate change, whereas sequestered carbon remains truly neutral. There is some merit in this argument, although, as the applicants point out, FOE's concern on this matter primarily relates to its disagreement with current guidance. IPPC guidance does not require biogenic CO<sub>2</sub> to be included. It may well be that other methods of dealing with organic waste, such as composting, would result in carbon being sequestered for a considerably longer period than in the case of incineration where much of the carbon would normally be released immediately. However, there is no dispute that the applicants have adhered to current guidance in assessing the carbon balance. [6.4, 10.8]

13.19 PPS22 indicates that energy from waste is considered to be a source of renewable energy provided it is not the mass burn incineration of domestic waste. SWFOE submits that the CHP should be characterised as disposal rather than recovery of waste as a matter of EU law. It also argues that recovery of energy through the CHP does not meet the formula for R1 recovery operations set out in Annex II of Waste Directive 2008/98/EC, which comes into force in late 2010. However, the energy efficiency figure formula set out in the Appendix to the Directive indicates that the CHP would meet the requirement for classification as recovery. Moreover, as the applicants point out, CHP is currently supported by WSE 2007 and other national and regional policy because of its ability to recover energy whether or not it is technically recovery or disposal in EU terms. The Waste Directive 2008 seeks to address the categorisation issue. The use of SRF in the proposed CHP plant and the export of electricity to the National Grid would contribute to meeting the Government's Renewable Energy target of producing 15% of UK energy from renewables by 2020. The contribution would be increased by the proposed co-location of the MDIP and its consumption of heat from the CHP plant. For these reasons, I agree with the applicants that the eRCF proposal is in accord with the objectives of PPS22, the UK Renewable Energy Strategy, and WSE 2007 in this respect. [6.5, 6.101, 6.102, 7.27, 10.9-10]

13.20 Objectors submit that it is inappropriate to site such large scale development within the countryside. I am mindful that the application site can only be accessed by means of road transport and that for the workforce and visitors it would not be readily accessible by means other than the private car. However,

such a development would not necessarily be readily sited at the edge of a town or service centre. Moreover, permission has already been granted for a major waste management facility at this location. [8.23, 11.3, 11.16]

13.21 The operational impacts of the development would be minimised by the use of negative air pressure within the buildings and a design which would allow, and require, all loading and unloading of material to take place within the buildings.

13.22 For all the above reasons, I conclude that the design of the eRCF is of high quality and that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner.

### **iii. The impact on the character and appearance of the area.**

13.23 My conclusions on this issue are interlinked with my comments on the impact of the development on the living conditions of local residents. My conclusions, at paragraphs 13.66 to 13.85 below, should therefore be read in conjunction with the following comments.

13.24 The site is situated in an area of primarily open, flat countryside, which allows long distance views from some locations. The character of the site and its immediate surroundings is heavily influenced by the remains of runways and buildings from the former Rivenhall Airfield; the nearby excavations at Bradwell Quarry; and blocks of woodland immediately to the south and east of the proposed location of the IWMF. The wider landscape beyond this area comprises gently undulating countryside, characterised by large open fields, small blocks of woodland and discrete, attractive villages. The existing access to the quarry, which would be used to provide access to the IWMF, passes through the Upper Blackwater Special Landscape Area. [2.1, 2.2, 6.77]

13.25 The site of the proposed IWMF and its immediate surroundings is not subject to any special landscape designation and is not, in my judgment, an area of particularly sensitive countryside. Its character as Essex plateau farmland has been degraded by the airfield infrastructure, the nearby quarry and isolated pockets of commercial development in the locality. The principle of a waste management facility at this location served from the A120 is established by the allocation in the WLP. The WLP inspector did not rule out an incinerator on the site, and WLP policy W7G suggests that such development may be acceptable. Moreover, as I conclude at paragraph 13.60 below, the RCF permission establishes the principle of large scale waste management at the application site, and the potential environmental impacts of the RCF are a material consideration in the present case. [2.5, 2.7, 6.77, 7.25, 8.16]

13.26 The eRCF has been designed in a manner that would limit its impact on the landscape. The building would be sited below existing ground level and the proposed extension to the access road would be primarily in cutting; the arched roofs of the main buildings would reflect the design of aircraft hangars; cladding materials would be dark and recessive; the green roof of the building would become colonised with mosses; and new hedging together with existing and proposed woodland would help to screen the development.

13.27 Lighting of the development would have some impact on the character of this presently unlit area. Again the design of the development is such that this

impact would be minimised. Most lights would be sited below existing ground level with flat glass luminaires mounted at zero tilt. Outside the hours of 0700 to 18.30 hours, external lighting would operate only in response to movement sensors. The disturbance caused by the coming and going of vehicles would also be reduced by the fact that much of the access road would be in cutting. [6.82-84]

13.28 I deal with the matter of tranquillity at paragraph 13.71 below and conclude that impact of the development on the tranquillity of the area would not be serious, once the construction operations are complete. [6.124, 8.15, 9.5]

13.29 The eRCF would have a slightly greater footprint than the RCF and it would be constructed further into the existing belt of woodland to the south. However, the main difference between the two schemes, in relation to the impact on the character and appearance of the area, would be the addition of the proposed stack. This would be a noticeable and substantial feature. It would rise 35m above existing ground level and be some 7m in diameter. It would, however, be partially screened by woodland to the south, east, and west and by the IWMF building when viewed from the north. Nevertheless, from many locations the top 20 metres of the stack would be visible. Moreover, the topography of the area would enable long distance views of the top section of the stack from some locations. Although the stack would be a relatively minor element in the landscape as a whole, and there would be no visible plume, I consider that it would appear as an industrial feature which would have some detrimental effect on the present lightly developed, semi-rural character of its surroundings. [6.103, 8.20]

13.30 On the other hand, the mitigation measures associated with the development would result in some enhancement of the countryside. The proposed woodland planting would cover a greater area than the area of woodland that would be lost, and the 2kms of new hedgerow would be of particular benefit. There would be a loss of 19.1 ha of existing open habitat, although much of this is not of high quality, and the proposal would provide for the management of remaining areas of habitat and various areas of new habitat. Moreover, the proposal includes the management of existing and proposed water bodies which would enhance the bio-diversity of the area. I also consider that the proposed refurbishment of the derelict listed buildings at Woodhouse Farm would be of benefit to the character and appearance of the countryside. [7.28, 8.19]

13.31 In conclusion, I consider that the eRCF would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, and in this respect it would conflict with the aims of BDLPR Policy RLP78 and EEP Policy ENV2. However, I am mindful that the rural character of the area has already been degraded. Moreover, when compared to the RCF proposals, the main additional impact of the eRCF on the character and appearance of the area would be as a result of the proposed stack. This would have a materially detrimental effect on the character of the area, although as it would be partly screened it would not, in my judgement, be an overwhelming feature in the landscape. Bearing in mind the benefits that would be provided by additional woodland and hedgerow planting, over and above that which would be provided by the RCF development, I conclude that the overall impact of the eRCF upon the character and appearance of the area would be detrimental but limited. By providing these mitigation measures where a detrimental impact is unavoidable, the proposal arguably meets the requirements of EEP Policy ENV2 and I consider that the overall impact would be acceptable. I agree



with the applicants that the limited visual impact arising from such a large-scale proposal suggests that the site is reasonably well located for the proposed use. On balance, I consider that the proposal respects the objectives of PPS7 and the extent of conflict with the guidance is limited. [7.30]

#### **iv. Consistency with PPS10**

13.32 PPS10 seeks a step change in the way waste is handled by moving the management of waste up the waste hierarchy. The guidance indicates that the overall objective of Government policy on waste is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. The eRCF would provide various means of dealing with waste, all of which would help to reduce the need for landfill. The various elements of the integrated plant would recycle waste, produce compost, and create energy from waste.

13.33 Some objectors argue that the development would discourage measures aimed at separating waste at the point of collection, whilst others are concerned that the demand for feedstock for the CHP would discourage recycling and result in certain wastes being managed at a point lower on the waste hierarchy than would otherwise occur. Under certain circumstances, where, for example, overall waste volumes reduced significantly, I agree that the existence of the eRCF could potentially reduce the incentive to separate waste at the point of collection. On the other hand, as markets for recycled waste develop, a reduction in the availability of recycled waste could increase its value and thereby enhance any incentive to separate waste at the point of collection. Similar arguments could be made in relation to feedstock for the CHP. [10.4, 11.16]

13.34 In reality, challenging targets are in place, relating to the recycling and recovery of value from waste, and the elimination of landfilling untreated municipal and commercial waste by 2021. In meeting these targets, I have no doubt that significant waste management facilities with overall capacities greater than that of the eRCF will be required, in addition to the current and future incentives to reduce waste, re-use materials, and separate waste at the point of collection. ECC considers that the type of facility now proposed at the application site will be necessary if it is to meet the national waste objectives set out in PPS10 paragraphs 1 and 3 and the challenging targets set out in EEP Policy MW2. [7.16]

13.35 The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported SRF from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. Although the combustion of waste is only one step above landfilling in the waste hierarchy, the CHP is only one of the facilities that would be available at the eRCF. In my judgment, this integrated plant would allow the anticipated waste arisings to be managed as far up the waste hierarchy as reasonably and practically possible. Moreover, it would significantly reduce the amount of residual waste that would need to be sent to landfill. In these respects the proposal is in accord with the objectives of PPS10. [7.16]

13.36 In relation to the aim of protecting human health and the environment, I consider that by reducing the amount of material sent to landfill; recycling material; and using waste as a resource; the eRCF would be beneficial to the environment and thereby to human health. However, the question arises as to whether the emissions from the plant would conflict with the aim of protecting human health and the environment. I deal with these matters at sections x and xv below, and conclude that the plant could be operated without causing any material harm to human health or the environment. The dispersion modelling assessments undertaken to date show that the risks to human health would be negligible and I am satisfied that this matter would be adequately dealt with by the Environmental Permitting regime.

13.37 Objectors argue that the proposal does not comply with PPS10 because (i) there is no need for a facility of this size; (ii) it would not contribute positively to the character of the area; (iii) it would result in visual intrusion; (iv) the traffic generated on the A120 would be unacceptable; (v) the scheme does not reflect the concerns of the local community; and (vi) it conflicts with other land use policies. I consider the need for the facility in the section below and conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF. In relation to the impact of the proposal on the character and appearance of the area, I conclude at paragraph 13.31 above that although the eRCF would have some detrimental impact on the rural character and attractive appearance of the area, the mitigation measures that would be put in place would reduce this impact to an acceptable level. Similarly, I am satisfied that the condition limiting the daily HGV movements generated by the development to no more than 404, and the provisions of the S106 agreement with regard to traffic routeing, would ensure that the impact of generated traffic on the local road network would be acceptable. [8.58]

13.38 Clearly the local community have deeply held concerns regarding the proposal in relation to a range of matters. However, although planning strategies should reflect the concerns and interests of communities, this requirement applies not only to the immediate local community but the wider community to which the strategies apply. I consider that the design of the scheme, and the mitigation measures employed have addressed the concerns of the community so far as possible and to a reasonable extent. Obviously this has involved a balance in seeking to minimise the impacts of the development whilst making use of the benefits that the development could provide. The eRCF would allow Essex to increase its provision of sustainable waste management, secure increases in recycling and recovery, and reduce carbon emissions. The community's needs for waste management would in part be addressed by the eRCF. [6.108, 6.109]

13.39 I am mindful that the proposal conflicts with some objectives of planning policy. For example, it would result in the loss of some of the best and most versatile agricultural land, and it is not fully in accord with WLP Policy W8A in that the application site is larger than the allocated site and the proposed building is substantially larger than envisaged. However, these matters must be balanced against the benefits of the proposal and other sustainability issues. Moreover, account must be taken of the wide range of mitigation measures which would minimise the impacts of the development.

13.40 Overall, I am satisfied that the proposal is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable

development by driving waste management up the waste hierarchy and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste. The development would help to reduce carbon emissions and would have benefits in terms of climate change. It would also contribute to the implementation of the national waste strategy. The impacts of the development could be adequately controlled or mitigated, and the proposal would pose no significant risk to human health and the environment. In my opinion, the design of the development and the associated mitigation measures would help to support the objectives of sustainable waste management. [6.99, 6.106, 7.31-33]

#### **v. The need for the proposed facility**

13.41 PPS10 indicates that where proposals are consistent with an up-to-date development plan, applicants should not be required to demonstrate a quantitative or market need for their proposal. Although the WLP allocates a site for waste management facilities at Rivenhall Airfield, in accordance with Policy W8A and Schedule 1, the allocated site is far smaller than the application site. Moreover, the size of the proposed IWMF is clearly much larger in area than that envisaged in Schedule 1. Furthermore, Policy W8A requires a number of criteria to be satisfied if waste management facilities are to be permitted. One of these is that there is a need for the facility to manage waste arisings in Essex and Southend. I appreciate that the WLP pre-dates PPS10 and is arguably out of date in that it requires, for example, waste management proposals to represent the BPEO. Notwithstanding this, it cannot be argued that the proposal is fully in accord with an up-to-date development plan. Given the difference in size between the proposed development and the development anticipated on the allocated site, I consider that the need for a facility of the proposed size should be demonstrated. [7.11]

13.42 The EEP sets challenging targets for the recycling, composting and recovery of both MSW and C&I waste in accordance with the WSE 2007. By 2015, 70% of MSW and 75% of C&I waste must be recovered. The Plan anticipates provisional median waste arisings for MSW and C&I waste for Essex and Southend, including the required apportionment of London Waste, for the period 2015/16 to 2020/21 to be 3.67mtpa. However, the applicants' need case has been assessed on a more conservative basis, using the 2.4mtpa for 2020/21, which is put forward by the East of England Regional Assembly (EERA) in its report entitled 'Waste Policies for the Review of the East of England Plan' dated 29 June 2009. Nevertheless, as this document is at the consultation stage, the larger EEP figure should be used. Indeed, as the applicants point out, the consultation process on the EERA Report of July 2009 has not yet been completed and subject to examination and therefore the document carries little weight. Accordingly, the 3.67mtpa figure in EEP Policy WM4 is the figure which should be used at present. [6.25]

13.43 In contrast to these figures, the potential treatment capacity of the currently permitted facilities in Essex is only 1.375 mtpa, and there do not appear to be any current plans to bring capacity forward on the WLP preferred sites that are not already the subject of a resolution to grant planning permission. Therefore, even on the basis of the reduced figures in the consultation document, I am satisfied that there is a need in Essex for new facilities to manage both MSW and C&I wastes. The LCG submits that the EEP policies are based on arisings which are not occurring at

present; the actual arisings being lower than estimated. However, I give little weight to the 'Updated Capacity and Need Assessment – Final Report' prepared by ERM for ECC in July 2009, as it contains a number of inaccuracies and will not form part of the evidence base for ECC's Waste Development Document. [6.13 -6.16, 6.30, 7.11-7.13, 8.6]

13.44 Many objectors, including the LCG consider that the capacity of the proposed eRCF is far greater than the perceived need. However, even on the basis of the lower, but disputed, figures for need based on the ERM reports, there is still a need for the proposed MBT facility in terms of MSW and C&I waste arisings. These figures result in a capacity gap of 326,800 tpa, compared to the proposed MBT capacity of 250,000 tpa. Using the reduced EEP figures, the overall treatment capacity gap in 2021 is likely to be between 412,762 and 537,762 tpa even on the basis that the Basildon site and the eRCF is developed. The capacity gap for C&I facilities exceeds the capacity of the proposed development. Moreover, the waste management capacities of the RCF and eRCF are similar for imported waste of similar composition, and therefore the 'need' for the treatment capacity has arguably already been established. [6.4, 6.6, 6.12, 6.25, 8.1, 10.3, 10.17, 11.3]

13.45 The figures put forward by the applicants suggest that without thermal conversion of residual waste, Essex would need to permit at least 1 or 2 new large landfills. Such capacity is unlikely to come forward because of the difficulty of securing planning permission for disposal capacity where insufficient treatment capacity exists further up the waste hierarchy. Thermal treatment of residual waste, incorporating CHP, is supported by the WSE 2007 and ECC's OBC 2008. It increases the level of recovery and reduces pressure for additional landfill. The CHP would make use of imported solid recovered fuel (SRF) from other permitted waste management facilities in Essex. Although the LCG argues that this would be a marketable fuel, the SRF could go to landfill if an end user is not found. The LCG submits that the use of the SRF merely meets a secondary or ancillary need. However, ensuring that good use would be made of such fuel meets a material need in my judgment. Moreover, the CHP would reduce the need for landfilling of residuals from the MBT, and by using residues from the paper pulp recovery process as a fuel, it would remove a need for offsite disposal of such material and the potential for it to be sent to landfill. [6.18, 7.16, 7.31, 8.2]

13.46 The LCG argues that there is no primary need for the eRCF because ECC would allow all potential operators to have access to the Basildon site on equal terms and thereby meet its need to deal with MSW arisings at that site. However, the eRCF would accommodate the only proposed CHP facility capable of treating the SRF to be produced by MBT through the MSW contract. Moreover, I agree with the applicants that the need for the eRCF is unaffected by the fact that it is not the reference project in ECC's OBC 2009. The reference project was amended to a single site not because ECC considered the application site to be unsuitable, but because ECC did not have control over it. ECC confirms that the eRCF would provide suitable technology for the proposed ECC waste contract. It submits that the significance of the OBC is that it provides evidence of ECC's need for an operator and site to handle its MSW contract. The eRCF would be able to bid for that contract and the additional competition it would introduce would be welcomed by the WDA. The eRCF could meet ECC's need to dispose of its MSW, quite apart from its capacity to meet C&I waste arisings. [6.10, 6.21, 7.15]

13.47 The treatment capacity gap for C&I waste is such that even if the applicants did not win the ECC MSW contract, there is a sufficient need for the site to deal solely with C&I waste. The proposal put forward by Glendale Power for a 30,000 tpa AD power station and associated CHP system at Halstead is at an embryonic stage. Even it were to proceed, there would still be a need for waste treatment facilities in Essex of a greater magnitude than the capacity of the eRCF. [6.25, 6.28, 11.18]

13.48 It is argued by some objectors that there is no need for the development because recycling rates are increasing throughout the country and the application proposal could undermine efforts to increase recycling. There is no doubt that significant improvements in the separation of waste and subsequent recycling are taking place. This could well reduce the quantity of waste that would need to be sent to a facility such as the eRCF. However, the eRCF has the potential to increase still further the amount of recycling, treatment and recovery of waste in the County, and it seems to me that such facilities will be necessary to help ECC to meet its waste targets. There is no reason why the proposal should obstruct a continued increase in the recycling and recovery of waste. [6.23, 10.2, 10.32, 11.14]

13.49 I appreciate the concern that recyclable material should not be incinerated. Such an approach encourages the treatment of waste at a lower level in the waste hierarchy than need be the case. However, the application proposal would provide facilities to maximise the recovery of recyclable material and there is no reason to believe that materials which could reasonably be recycled would be used as fuel in the CHP.

13.50 With regard to the proposed MDIP, the LCG points out that only about 36% of recovered paper is likely to be suitable for use at the facility. It is argued that the applicants are over ambitious in their approach to the amount of feedstock that would be available. However, I am mindful that there will be no MDIP facility in the UK after 2011 to produce high quality paper pulp. The proposed MDIP at Rivenhall would be capable of meeting the needs of Essex and the East of England in terms of the recycling and recovery of high quality paper, thus meeting WSE 2007 key objectives. The facility is likely to stimulate greater recovery of high quality paper waste. I agree with the applicants that it would help to divert a significant quantity of paper and card from landfill. At present some 713,000 tpa of such waste is currently landfilled in the East of England. The MDIP would provide a facility to meet the needs of a wider area in accordance with EEP Policy WM3. [6.12, 6.20, 7.17, 8.7-8.12, 10.29]

13.51 In summary, I consider that the eRCF would help to satisfy a substantial and demonstrable need for MSW and/or C&I waste to be dealt with in Essex and for ECC to meet challenging targets set out in the EEP. The individual elements of the integrated plant would also help to satisfy various needs, including the need to move the treatment of waste further up the waste hierarchy and minimise the amount of waste that would otherwise be sent to landfill. I conclude that a need has been demonstrated for waste treatment facilities having a capacity at least that of the proposed eRCF.

## **vi. The viability of the proposal**

13.52 Objectors question the viability of the scheme as a whole, and in particular that of the proposed MDIP. They point out that a full viability appraisal has not been provided by the applicants. Sufficient feedstock for the MDIP would not be available within the East of England Region and the operators would be reliant on their ability to offer competitive prices for feedstock. Furthermore, it is argued by objectors that it would be cheaper to produce pulp on the same site as a paper mill in an integrated paper production process. This would remove the need to dry the pulp prior to transportation. [8.11-8.13]

13.53 Clearly the proposed MDIP would require a large amount of feedstock. This would increase the demand for high quality paper waste and could well lead to an increase in the price of such waste on the open market. However, this, in turn could encourage increased recovery of high quality paper waste and ensure that better use is made of such waste.

13.54 The applicants submit that there is genuine commercial interest in the eRCF proposals from potential operator partners and key players. They point out that negotiations are presently taking place in relation to various aspects of the proposed MDIP, but these are commercially confidential. This is understandable given the present status of the scheme. Notwithstanding this, it seems to me to be a logical argument that the capital cost of the MDIP would be less than a stand alone facility, as it would be part of a much larger scheme. Moreover, relatively cheap power would be available from the CHP, thereby enabling the MDIP to operate competitively. I accept that the cost savings achieved by using heat and electricity generated by the CHP are likely to outweigh the additional costs of drying the pulp and transporting it to a paper mill. I have no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal. [6.42]

13.55 The applicants point out that the planning regime does not normally require a developer to prove viability. It is submitted that the issue of viability has arisen primarily because of EEP Policy WM3, which, although seeking a reduction in the amount of waste imported into the region, acknowledges that specialist waste facilities such as the MDIP, may have a wider than regional input of waste. However, the policy indicates that allowance should only be made for such facilities where there is a clear benefit, such as the provision of specialist treatment facilities which would not be viable without a wider catchment and which would enable recovery of more locally arising wastes. In relation to Policy WM3, viability is only an issue if the facility is one "*dealing primarily with waste from outside the region*". At paragraphs 13.144 – 13.149 below, I consider Condition 30 which seeks to restrict the amount of feedstock for the MDIP from outside the region. I conclude in that section that 50% of the feedstock should be sourced from within the region. On that basis, the issue of viability does not arise in relation to Policy WM3.

## **vii. The fallback position**

13.56 Objectors argue that little weight should be placed on the extant permission for the RCF as there is no evidence that it would be implemented. It is pointed out that ECC resolved to approve the application for the RCF in 2007, yet planning permission was not granted until 2009 after the completion of the relevant

S106 agreement. Moreover, it is claimed that the applicants have described the RCF as an indicative scheme and acknowledge that it no longer represents the most suitable technology having regard to the JMWMS. Objectors point out that there is no evidence of detailed marketing or negotiations between the applicants and a waste operator, and to date no steps have been taken to implement the permission. [8.49-51]

13.57 The applicants have made no secret of the fact that they wish to provide a facility at Rivenhall airfield that would be capable of winning a major contract to deal with MSW arising in Essex. It seems to me that the eRCF is a major amendment to the RCF intended to maximise the chances and capability of winning a contract to deal with MSW arising in Essex. It is understandable that the applicants seek to build a facility that would be capable of dealing with as wide a range of waste as possible. A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the project.

13.58 However, there is no overriding evidence that the RCF would not be viable. On the contrary, it seems to me that it would be capable of dealing at least with a substantial element of the County's MSW, and if this work failed to materialise it would be capable of dealing with C&I waste. ECC indicate that the RCF is consistent with, and would further, the aims of the JMWMS. [6.8, 7.15, 7.48]

13.59 Although the RCF proposal was put forward some years ago, the permission is recent and up to date. It is not surprising that details of any negotiations between the applicants and waste operators in relation to the building and operation of the RCF have not been put before the inquiry, partly because of commercial confidentiality and partly because of the present uncertainty regarding the outcome of the planning application for the eRCF. It is conceivable, if not likely, that any such negotiations regarding the RCF are on hold until the fate of the eRCF proposal is determined. [6.9]

13.60 For these reasons, I consider that there is a reasonable prospect of the RCF proposal being implemented in the event that the eRCF proposal is refused. Accordingly, I conclude that the RCF permission establishes the principle of large scale waste management at the application site, and that the potential environmental impacts of the RCF are a material consideration in the present case. [6.6, 7.49]

#### **viii. The flexibility of the development**

13.61 It seems to me that if a proposal is to be sustainable and economically viable in the long term, one of its attributes must be a degree of flexibility to accommodate future changes in waste arisings and in waste management techniques and practices. I agree with the SWFOE that the achievement of recycling targets will change the amount and constitution of residual waste. [10.2]

13.62 The SWFOE argues that as incinerators normally have a 25 year life span and require a constant supply of fuel, the whole eRCF system would be very inflexible. Objectors to the eRCF point to a need for flexibility in dealing with waste in future. Moreover, I note that Chapter 5 paragraph 23 of WSE 2007 indicates that

building facilities with an appropriate amount of flexibility is one of the keys to ensure that high rates of recycling and EfW can co-exist. [10.4, 10.24, 11.14]

13.63 I am mindful that the eRCF would have multiple process lines. For example, the MBT would have five autonomous process lines. The applicants argue that each of the facilities would have an inherent flexibility of capacity. The MRF would have the ability to allow rejects from one process line to become the feedstock of another. Moreover, minor modification to the MDIP would allow the facility to produce tissue paper pulp and it would be possible to introduce secondary treatment of the sludge from the MDIP to recover an aggregate. [6.97]

13.64 It is arguable that the integrated nature of the proposed eRCF; its exceptionally large scale; and the very significant amount of investment that would obviously be needed for its development would, in combination, result in a degree of inflexibility. On the other hand, the modular nature of the design, the flexibility of capacity of each process, and ability to make alterations to various modules would allow the eRCF to be adapted to varying compositions of waste. Moreover, the multiple autonomous process lines would allow a particular process to be upgraded in stages if necessary. For example, a CHP process line could be upgraded or replaced without shutting down the entire CHP process. In this respect, the large scale of the development provides opportunity for changes to be made to the process without endangering the overall viability of the operation.

13.65 On balance, I consider that the design of the proposal and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated. In this respect, the scheme would not be detrimental to the achievement of increased rates of recycling.

#### **ix. The effect on the living conditions of local residents**

13.66 The eRCF proposal has the potential to cause harm to the living conditions of local residents in a number of ways. Some of the impacts are dealt with in other sections of these conclusions. I consider the issues as follows:

##### *Noise and disturbance*

13.67 Objectors point out that existing noise levels in the locality are low. It is especially quiet at night. The main potential sources of noise and disturbance from the proposal arise from the construction process, the operating of the IW MF, and from traffic generated by the development. It seems to me that the greatest potential is likely to be during the construction phase. This is the period when maximum noise levels are predicted. The applicants have used the three suggested methods of assessment given in BS 5228:2009 Part1: Noise to consider the impact of construction noise. These all show that there would be no significant impact from construction noise at neighbouring residential receptors. The predicted construction noise level falls within the range 44 dB(A) to 52 dB(A). Moreover, the assessment of construction noise has been undertaken on a worst case scenario, as the work would include excavations, and it is highly likely that the change in landform would result in considerably greater attenuation of noise levels at receptors than predicted. [6.122, 6.123, 8.39, 8.40]



13.68 I agree with the applicants that the potential for noise from vehicle reversing alarms and the sounding of vehicle horns could be adequately controlled by appropriate management of the site.

13.69 Noise and disturbance generated by the operation of the plant would also be mitigated by the low level siting of the development and the partial screening provided by bunding. The waste management operations would be undertaken within environmentally controlled buildings, sited below surrounding ground level. The buildings would be insulated with acoustic cladding to reduce noise, and vehicles would enter and leave the building through high speed action roller shutter doors. The reception of waste would be limited to the operating hours of 07.00 to 18.30 on weekdays, and 07.00 to 13:00 on Saturdays. The assessment of operational noise level at all receptor locations for both day and night time periods shows that noise levels of operations would be below the level of 'marginal significance' according to British Standard 4142. The physical noise levels predicted for daytime operations fall within the range of 22 to 34 dB(A), and 22 to 30 dB(A) for night time periods. I am satisfied that such levels of noise would not have a material impact on the amenity of local residents. [6.123]

13.70 A significant proportion of the proposed extension to the access road would be in cutting, which would help to attenuate the noise of HGVs on this road. Moreover, lorries would be unloaded and loaded within the environmentally controlled buildings. The applicants point out that the change in noise levels attributable to increased road traffic flows resulting from the eRCF would be imperceptible, being considerably lower than 1dB. [6.125]

13.71 With regard to the tranquillity mapping described by the CPRE, the applicants argue that the site of the IWMF appears to be near the middle of the scale, suggesting that it is neither tranquil nor not tranquil. On the other hand, the version of the map supplied by the CPRE suggests that it is nearer the tranquil side of the scale. From my inspections of the site and its surroundings I am inclined to agree with the CPRE on this point, when considering noise. Although I conclude that the development would not have an unacceptable impact on the residential amenity of local residents as a result of the generation of noise, it seems to me that the development would have some detrimental impact on the present tranquillity of the area. However, bearing in mind the reasonably low levels of noise that would be generated, particularly during the operating phase of the facility, I am not convinced that the impact on tranquillity would be serious, once the construction operations are complete. [6.124, 9.4]

#### *Air quality, odour and dust*

13.72 Objectors are concerned about the impact of the development on air quality as a result of emissions from the stack; odours from the operations of the IWMF; and from additional traffic generated by the development. With regard to air quality, the SWFOE points out that no predictions have been provided for PM<sub>2.5</sub>. However, as indicated at paragraph 13.91 below, even if all particles emitted from the eRCF were assumed to be PM<sub>2.5</sub> the predicted maximum concentrations of such material would be 0.14 µgms/m<sup>3</sup> which is significantly less than the target value of 25µgms/m<sup>3</sup>. [6.118, 10.13, 10.46]

13.73 Objectors submit that traffic emissions should have been added to the predictions. Air standards legislation should have been the definitive requirement, rather than the guidance in the Design Manual for Roads and Bridges (DMRB). [10.13]

13.74 As a requirement of the Environmental Permit (EP), the applicants would be required to demonstrate that the eRCF would not have a significant impact on local air quality. Notwithstanding this, the applicants point out that the environmental assessment already undertaken has demonstrated that the impact on air quality would be acceptable. Dispersion modelling has been used to predict airborne ground level concentrations of emissions from the stack. Certain emissions would be continually monitored, whilst others, which cannot be monitored continuously, would be monitored on a regular basis. The impact on air quality from stack emissions would be minimised by the use of exhaust gas scrubbing facilities and filters. No visible plumes are predicted to be emitted from the stack. [6.48, 6.51, 6.112, 6.114, 6.116]

13.75 The reception, shredding and sorting of waste, and the MBT processes, would be carried out within buildings which would operate under negative air pressure, thereby allowing odours and dust generated by these processes to be dealt with within the IWMF. The continuous 24 hour operation of the plant would ensure that the holding and storage times of unprocessed waste would be minimised, which would help to reduce the amount of odour generated within the plant. I am satisfied that current pollution control techniques would ensure that odour, dust and bio-aerosol emissions from the operations would not cause harm to human health or local amenity. [5.24]

13.76 As regards vehicle emissions, I am mindful that the total number of HGV movements associated with the operation of the proposed eRCF would not exceed 404 per day. Nevertheless, an assessment of the air quality impacts due to this traffic has been undertaken using the DMRB methodology. This demonstrated that traffic related pollutant ground level concentrations would be very small, even if it were assumed that all of the traffic associated with the IWMF accessed the site from an easterly or westerly direction. Although SWFOE argues that air standards legislation should have been the definitive requirement, I am mindful that the number of HGV movements would not increase from that already permitted for the RCF. Notwithstanding this, the DMRB assessment shows that the impact of vehicle emissions on air quality would not be significant. [6.117, 10.13]

#### *Litter*

13.77 A number of objectors are concerned that the proposal would lead to problems of litter and would attract vermin. However, waste would be delivered in enclosed vehicles or containers and all waste treatment and recycling operations would take place indoors under negative air pressure with controlled air movement regimes. I consider that these arrangements would ensure that litter problems would not arise and that the operation would not attract insects, vermin and birds. [5.24, 11.8]

#### *Light Pollution*

13.78 Many objectors are concerned that the eRCF would cause light pollution in an area that is light sensitive. However, outside the working hours of 0700 to 1830

there would be no external lighting, other than that used on an infrequent and intermittent basis for safety and security purposes. The LCG is sceptical as to whether such an arrangement would be practical. However, I see no reason why the plant could not be operated in this way. Internal lights would either be switched off or screened by window coverings during night time operations. Moreover, it is intended that external lighting levels would have an average luminance of 5 lux. The applicants indicate that external lighting units would be sited a maximum of 8m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. Given the depth of the excavation in which the buildings would be sited, it would appear that most lights would be sited below surrounding ground level. Moreover as the proposed extension to the existing access road would be constructed in cutting, lights from vehicles travelling to and from the eRCF on this section of the road would be screened from view. [6.83, 6.84, 8.44-47, 9.29, 11.13, 12.16]

13.79 Nevertheless, I am mindful that there is little or no artificial light at present in the vicinity of the site and that the area is valued by local residents for its clear skies in terms of light pollution. Even with the measures proposed by the applicants, it seems to me that the development could well create some light pollution and thereby cause some detriment to the amenities of the area in this respect. However, I consider that the proposed lighting arrangements, (which could be adequately controlled by condition as discussed in paragraph 13.153 below) would limit this impact to an acceptable level. In the wintertime there would be some impact during the hours of 0700 to 1830, but this would be kept to a minimum by the proposed methods of external lighting. Outside those hours, light pollution would occur on a relatively infrequent basis for short periods. As I indicate below, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised.

### *Outlook*

13.80 I deal with the visual impact of the development on the landscape at paragraphs 13.23 – 13.31 above. The siting of the IWMMF below ground level would significantly reduce the visual impact of the proposed building that would otherwise occur. Moreover, the proposed dark colour and green roof of the main structure would make the buildings recessive and help them to blend into the background. The roof of the proposed IWMMF and the stack would be visible from properties on the eastern edge of Silver End, from Sheepcotes Lane and Cuthedge Lane. Sheepcotes Farm is probably the closest to the site, being about 600 metres to the west. However, that dwelling is screened from the site by tall conifer hedging and is situated close to Hangar No 1 on the airfield, and the existing telecommunications tower. It seems to me that the development would have little impact on the outlook from this dwelling. [6.78]

13.81 There are a number of dwellings in Silver End from which the site would be visible, including the listed dwelling known as Wolverton. However, these dwellings are at least 1km from the application site. Bearing these distances in mind and the intervening vegetation, I consider that the development would not have a serious impact on the outlook presently enjoyed from these dwellings. In reaching this conclusion, I have had the benefit of visiting the area on a number of occasions and the evidence presented in relation to the various montages.

13.82 Dwellings such as Herons Farm, Deeks Cottage, and Haywards Farm are sited off Cuthedge Lane to the north of the application site. There would be a noticeable deterioration in the existing view from Deeks Cottage. The applicants recognise that Deeks Cottage would experience moderate adverse visual impacts as a result of the proposed facility during construction and the early years of the facility's operation, although they consider it to be the only property that would be affected to such an extent. Herons Farm appears to be partially screened from the application site by a bund presently in place to screen the existing quarrying operations, although this bund is likely to be removed in due course. These dwellings are between about 700m and 1km from the site of the proposed IWMF. Although there would be some detrimental impact on the outlook from these properties, I again consider that it would not be so serious that planning permission should be withheld for this reason. Given the distances between the properties, the flat nature of the intervening ground and the measures taken to reduce the visual impact of the development, it seems to me that the proposal would not be an overbearing or unacceptably intrusive feature in views from these properties. [2.13, 6.79, 8.20, 9.10, 9.11, 9.13]

13.83 Views of the top of the proposed stack would be visible from properties to the south of the application site in the vicinity of Western Road and Parkgate Road. However, these dwellings are well over 1km from the application site and in most cases there are significant blocks of woodland between the dwellings and the site. I consider that the views of the top of the stack that would arise from this direction would have no serious impact on the outlook from these dwellings.

13.84 Long distance views of the development would be possible from some locations on high ground to the north of the A120. Similarly, long distance views of the top of the proposed stack would be possible from some properties between Coggeshall Hamlet and Kelvedon. However, the views of the development would be so distant that it would have no significant impact on the general outlook from these properties. [8.21]

#### *Conclusion on impact on living conditions*

13.85 There would be some detrimental impact on the living conditions of occupiers of residential properties in the locality. There would be an increase in the level of noise in the area, although this would primarily be confined to the construction phase and even then would be well within acceptable limits. There would also be some impact on the tranquillity of the area and a small increase in light pollution, although these would be limited and minor. I am satisfied that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour. The outlook from a small number of properties would be detrimentally affected, but again the impact would be relatively minor. Overall, I conclude that the proposal would not have an unacceptable impact on the living conditions of local residents.

#### **x. The risks to human health**

13.86 Many local residents have expressed fears that the eRCF would lead to deterioration in air quality and would present a risk to human health. The SWFOE argues that dioxins cannot easily be continuously monitored and escapes could occur between monitoring sessions. However, the applicants point to the advice in PPS 10

that modern, appropriately-located, well-run and well-regulated, waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. The human health modelling presented in the Addendum ES indicates that the risks to human health from the proposed eRCF would be negligible. The predicted daily exposure for all contaminants of potential concern is less than the relevant toxicological benchmark. [6.112, 10.13, 10.46, 11.14]

13.87 Dispersion modelling, used to predict airborne ground level concentrations, shows that with a stack height of 35m (above existing ground levels), the predicted pollutant concentrations would be substantially below the relevant air quality objectives and limit values, except for arsenic. However, the assumed emissions of arsenic were substantially overestimated because, for the purposes of the model, the emissions of arsenic were assumed to be at the same level as the whole of the group of nine metals within which it fell in the assessment. This was an extreme worst case assumption, and considered by the applicants to be implausible, as it could result in an emission nine times the emission limit for the group of metals as a whole. The applicants argue that it would be more appropriate to specifically limit the emissions of arsenic, as opposed to increasing the height of the stack. [6.113]

13.88 Although this approach would rely heavily on the monitoring of emissions to ensure that there is no risk from emissions of arsenic, I am mindful that the assessment uses a new and far more stringent air quality limit for arsenic, which is not due to be implemented until 2012. Moreover, realistic estimates of arsenic emissions based on sampling and analysis of emissions from waste incinerators elsewhere show that arsenic levels would be significantly lower than that assumed in the dispersion modelling assessment. I note that the EA and the Primary Care Trust have not raised objections to the proposed eRCF [6.114, 7.33]

13.89 The LCG and CG point out that there is a statutory requirement to ensure that air quality is not significantly worsened, yet the emission of contaminants from the IWMF would result in deterioration of air quality. I am mindful of the advice in PPS23 that planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. As I conclude at paragraph 13.158 below, it is unfortunate that further progress has not been made in discussions between the EA and the applicants regarding the height of the stack that would be necessary. Nevertheless, the EA does not appear to have an objection in principle to the IWMF. The applicants point out that as a requirement of the Environmental Permit (EP), they would have to demonstrate that the eRCF would not have a significant impact on local air quality and human health. This could be achieved by means other than increasing the stack height. In fact, a dilute and disperse approach by using a taller stack is one of the least preferred methods for controlling the impact of industrial emissions. Preference is given to abatement and the reduction of emissions at source. The applicants submit that the CHP plant could operate at substantially more stringent emission limits, thereby providing an alternative option for reducing the impact of the plant on local air quality. [6.49, 8.41, 9.22]

13.90 With regard to traffic emissions, the CG points out that there are high levels of NO<sub>x</sub> at the junction of the A12 and A120 at Marks Tey. It is one of 18 air quality hot spots in the county and the additional HGV movements associated with the IWMF would exacerbate this situation. However, the proposed 404 additional

HGV movements associated with the eRCF are the same as that proposed for the RCF, for which planning permission has already been granted. Although the DMRB screening criteria does not require a detailed air quality assessment in this case, an assessment was undertaken using the DMRB methodology as a result of concerns about possible changes in the split of traffic on the A120. Even with an extreme assumption that all of the development traffic accessed the site from a single direction, it was shown that development traffic would not have a significant impact on air quality.

13.91 The SWFOE is concerned that no predictions have been provided for PM<sub>2.5</sub> and a limit value of 25µgms/m<sup>3</sup> for PM<sub>2.5</sub> is likely to be introduced into the EU Air Quality Directive before 2015. However, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction (PM<sub>2.5</sub>) the predicted maximum concentrations of such material would be 0.14 µgms/m<sup>3</sup> which is significantly less than the target value of 25µgms/m<sup>3</sup> and effectively negligible. [6.118, 10.13]

13.92 The Human Health Risk Assessment (HHRA) indicates that the risks to human health are negligible since the predicted daily exposure for all contaminants of potential concern is less than the toxicological benchmark. SWFOE questioned the exclusion of certain pathways from the HHRA, although the applicants had undertaken a survey beforehand to establish which pathways were likely to be realistic. This indicated that meat production does not take place in the immediate locality. Nevertheless, additional modelling was undertaken to include the ingestion of homegrown pork and beef, and milk from homegrown cows. Again, the analysis demonstrated that the risks to human health would be negligible. [6.119]

13.93 Despite the results of the assessments undertaken by the applicants, many local residents remain concerned about the potential health risk of emissions from the eRCF. Local residents' fears about the harmful effects on health of such a facility are capable of being a material consideration, notwithstanding that there may be no objective evidence to support such a fear. By itself, unfounded fear would rarely be a reason to justify withholding planning permission. Nevertheless, it seems to me that the anxiety caused by the potential risk of pollutants, even though the physical health risks may be negligible, could have an impact on the well being and the living conditions of local residents.

13.94 Many residents would like to see regular monitoring of air quality at specified receptor locations as a means of providing assurance regarding the risk of health from emissions at the plant. I can see merit in this approach but I have to accept that such measurements may not provide results which accurately reflect the impact of emissions from the eRCF. I consider the matter at paragraph 13.162 below and conclude that more meaningful and accurate measurement of emissions from the plant would be obtained by regular monitoring of emissions from the stack itself. This would have the advantage of providing emissions data for a wide area, rather than at a few specific locations, and would ensure that the collected data related to emissions from the plant. The S106 agreement would ensure that such information would be available to local residents by means of the proposed Site Liaison Committee. [6.114, 8.43, 12.23]

13.95 In conclusion, I am satisfied that the plant could be operated without causing any material harm to human health, and that this matter would be

adequately dealt with by the Environmental Permitting regime. Despite this, the concern of local residents regarding the risk to health, albeit unfounded, would remain as a detrimental impact of the development. Nevertheless, these fears would be ameliorated to some extent by the proposed arrangements for the results of monitoring of emissions to be provided to the Site Liaison Committee.

#### **xi. Highway Safety and the Free Flow of traffic**

13.96 As previously indicated, the impacts of the present proposal must be considered in the light of the extant permission for the RCF, which in my judgment provides a fall back position. In relation to the RCF there would be no control on the daily number of HGV movements by means of a condition. Notwithstanding this, the applicants indicate that the eRCF would generate no more than the 404 daily HGV movements anticipated in relation to the RCF. In this respect it is arguable that the proposal would have no greater impact than the scheme already permitted. [6.68]

13.97 The access road that would serve the development would link directly onto the A120, which is part of the trunk road network. The S106 agreement provides for traffic routing arrangements to ensure that HGVs travelling to and from the site use a network of main roads and thereby avoid the local road network. Local residents argue that the A120 is frequently congested and the additional traffic generated by the development would exacerbate this situation. Moreover, it is argued that it would not be practical to enforce the traffic routing arrangements and that HGV drivers would use the local road network to gain access to and from the site where a shorter route was available, or when the main road network was congested. The LCG submits that vehicles would be arriving from a wide range of places and that the eRCF operator would not have control over many of these vehicles. [8.37, 9.15, 10.38, 10.39, 10.44, 10.46]

13.98 I agree that many of the local roads in the area are narrow, winding and unsuitable for use by HGVs. However, the applicants point out that the eRCF would not be open to the public and the operator would have control over deliveries and the despatch of material to and from the proposed plant. Under such circumstances, I am satisfied that it should be possible to ensure that traffic routing arrangements are enforced. [6.68, 9.17]

13.99 There is no doubt that volumes of traffic on the A120 are such that the road has reached its practical capacity and sections are regularly congested. However, as the applicants point out, for the most part this congestion occurs at peak times and the road should not necessarily be regarded as unable to accommodate additional traffic. During my site visits, I saw queues developing at peak times, particularly near Marks Tey where the A120 meets the A12. However, on most of these occasions, traffic continued to move, albeit slowly, and the levels of congestion were not unduly serious. Nevertheless, these were merely snapshots on particular days and I have no doubt that far more serious congestion occurs on a not infrequent basis. [6.71, 8.32, 9.16]

13.100 Notwithstanding this, it is likely that much of the traffic associated with the eRCF would travel outside peak periods and would not add to congestion problems. It must also be remembered that by restricting daily HGV movements to no more than 404, the proposal would not increase volumes of traffic over and above the figures associated with the RCF which has already been approved.

13.101 Many objectors doubt whether the eRCF could operate at full capacity with only 404 daily HGV movements. I have some sympathy with this argument as it was previously anticipated that the RCF would also generate 404 daily HGV movements, yet the RCF would involve the movement of 906,000tpa of material compared to the 1,272,075tpa associated with the eRCF, an increase of about 40%. The applicants have derived the HGV movements for the eRCF on the assumption that each lorry would be carrying the maximum weight permitted for that vehicle, arguing that there is no reason to believe that the operator or hauliers would wish to operate on the basis of sub-optimal loads. This is a logical argument, although I have some concern as to whether the calculations are somewhat theoretical and idealised, and do not make sufficient allowance for contingencies. [6.68, 8.28, 8.30, 11.7]

13.102 The applicants submit that there is no evidence that any specified number of HGV movements greater than 404 would have materially different or more serious implications in highways and transportation terms. This may be so, although it seems to me that the Highways Agency may well have required further information when consulted on the scheme, if the generation of HGVs was anticipated to be significantly greater than 404 movements per day. Notwithstanding this, the applicants have willingly agreed to the proposed planning conditions limiting the number of daily HGV movements to 404, and are satisfied that the eRCF could be operated economically and viably with such a restriction. They argue that the number of vehicle movements can be minimised by the use of 'back hauling' (i.e. using the same lorries that deliver material to the site to carry material from the site). [6.69, 8.31]

13.103 The site access road has junctions with Ash Lane and Church Road. Although there have been accidents at these junctions, it appears that the number of incidents have been few in number and it does not seem to me that the accident record is of serious concern. I note that the Highway Authority did not object to the application. The proposal would result in improvements at the junctions, and given the low volumes of traffic on the two local roads, I consider there is no reason to justify withholding planning permission for the development on the grounds of road safety at these junctions. [6.73, 6.74, 8.35, 9.18, 11.2]

13.104 For all of the above reasons, I conclude that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network.

## **xii. The impact on the local right of way network**

13.105 The network of footpaths in the area is well used. Three footpaths, including the Essex Way, cross the existing quarry access road. The proposed extension of the access road would cross footpath 35. Footpath 8 passes alongside the complex of buildings at Woodhouse Farm. [2.15, 8.18, 9.4]

13.106 Walkers on footpath 8 would pass close to the IWMF. Apart from seeing the stack, they would also, when approaching the site from the south, be likely to see the rear of the AD tanks, particularly in wintertime when many trees would have lost their leaves. A hedge would partially screen views from footpath 35, although it



is likely that walkers on footpath 35 would, on occasions, have views of part of the front of the building, which would be some 200m wide and 20m in height. The applicants acknowledge that users of footpath 35/68 to the north of the site would experience moderate adverse visual impact at Year 1 of operation, with other paths in the area assessed as minor adverse impact. [6.79, 8.18, 9.25, 9.31]

13.107 As indicated above, I have no doubt that the development would have some harmful effect on the present rural character of the area. This impact would be apparent to users of the footpath network. Moreover, the comings and goings of vehicles serving the site and activities at the site would also have a detrimental impact on the present tranquillity of the area. Nevertheless, these impacts would be ameliorated by the various mitigation measures such as hedge and woodland planting; the proposed dark colour of the building; the proposed green roof; the siting of the extension to the access road and the IWMF building itself within cutting (which would help to control noise and visual impact); and the intention to undertake all operations within environmentally controlled buildings. Overall, I consider that the impact on the right of way network would be detrimental but not to an unacceptable degree. [6.48, 6.89, 6.120]

### **xiii. Ground and surface water**

13.108 The SWFOE submits that the proposed MDIP would require water over and above that obtained from recycling and rainwater collection. It is argued that water abstraction could have an impact on the River Blackwater and that a water study should have been undertaken to assess the impact of water requirements. Other objectors are concerned that the proposed eRCF could result in contamination of ground and surface water. [10.7, 11.9, 11.14, 12.28]

13.109 I am mindful that the proposals include the on-site collection, recirculation and treatment of water, minimising the need for fresh water. All surface water outside the buildings would be kept separate from drainage systems within the buildings. All drainage and water collected within the buildings and used in the Pulp Facility would be treated and cleaned within the Waste Water Treatment facility. It is anticipated that the IWMF would be largely self sufficient in water, by utilising rain/surface water, and would only require limited importation of water. This could be sourced from New Field Lagoon, which is part of the existing drainage system for the restored mineral working to the north, from licensed abstraction points, or obtained from the utility mains. Moreover, ground water monitoring would be undertaken and the results made available to the Site Liaison Committee. Bearing in mind the proposed methods for dealing with water; the monitoring that would be undertaken; the 1.5 km distance between the proposed IWMF and the River Blackwater; and the geology of the area with its significant clay strata, I conclude that the development could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater. [5.27, 7.35,]

13.110 A number of objectors are concerned that the excavations involved in the development would result in the dewatering of soils to the detriment of existing trees and vegetation. However, the geology of the area suggests that existing trees rely on surface water, rather than ground water in the substrata. Clay is the dominant material in the soils beneath the woodland blocks. Woodland growth is separated from the underlying sand and gravel by over 6m depth of boulder clay. The trees are not dependent upon the groundwater locked in any aquifer below ground, but are

reliant upon moisture held within the subsoil and top soil that overlies the boulder clay. Any localized lowering of the water table as a result of excavations would have little impact on vegetation. [6.80, 8.26, 11.4, 12.20]

#### **xiv. Loss of agricultural land**

13.111 The development would result in the loss of almost 12ha of Grade 3a agricultural land, and in this respect the proposal is in conflict with local and national planning policies. However, there would be a similar loss if the RCF were constructed. Moreover, the impact of such a loss of best and most versatile agricultural land must be balanced against other sustainability considerations. [6.67, 6.105, 8.55, 8.58, 11.4, 11.13]

13.112 Although a loss of such agricultural land should be avoided where possible, ECC points out that the emphasis in the last 5 years has moved to soil resource protection. Soils stripped from agricultural areas would be re used sustainably. It would be used on screening bunds; on new areas of woodland and grassland; and to enhance the restoration of agricultural areas within the adjacent quarry. The proposed loss of Grade 3a agricultural land represents 0.3% of the Bradwell Hall Estate holding. Moreover, Woodhouse Farm is unoccupied, and could not form a 'commercial unit of agriculture' under the present agricultural cropping regime. It is also noteworthy that Natural England did not object to the proposal. For all these reasons, I conclude that the loss of Grade 3a agricultural land in this case is not an overriding issue. (6.105, 7.29)

#### **xv. Habitats, Wildlife and Protected Species**

13.113 About 19.1ha of open habitats would be lost. However, a large proportion of these are of low ecological value being arable land, species poor semi-improved grassland and bare ground. Mitigation measures include the planting of 1.8ha of new species rich grassland together with the provision of a further 1ha of managed species rich grassland to the east of Woodhouse Farm outside the Planning Application area. Moreover, the green roof on the main buildings of the proposed eRCF would be about 5ha in area and allowed to establish into open habitat. Bearing in mind that the new habitats would be the subject of an Ecological Management Plan, I agree with the applicants that the overall residual impact of the development is likely to be positive in terms of the value of open habitat. [5.20, 6.89, 6.90, 7.28, 11.2, 11.5].

13.114 Although between 1.6 and 1.7ha of existing woodland would be lost, the proposal includes planting of approximately 3.4ha of additional woodland and 2kms of new hedgerows. Objectors are concerned that the rate of growth of new vegetation is unlikely to be rapid and point out that the applicants accept that it would take up to 40 years to effectively replace some of the lost woodland. In the short term, I agree with objectors that the loss of woodland is likely to outweigh the positive impacts of the new planting. However, I note that the retained woodland would be managed to improve its diversity and screening quality. Bearing this in mind and the significant amount of new woodland and hedgerow to be planted and managed, it seems to me that the overall effect would be positive within a reasonably short space of time, despite the time necessary for woodland to provide significant screening. Certainly, in terms of habitat value the provision of additional

woodland and hedgerows would outweigh the loss of existing woodland within a short period. [5.19, 6.78, 6.90, 6.92, 7.28, 8.17, 8.20, 9.27]

13.115 With regard to protected and otherwise notable species, surveys have revealed that several species of bat utilise the site. In addition a small population of great nested newts were found and a range of bird species breed in the area. Brown hares can be found on the site. However, surveys for badger revealed only the presence of latrine sites. [6.88, 9.4]

13.116 Without mitigation the development would have a detrimental impact on protected species. However, the development includes a range of mitigation, compensation and enhancement measures. A number of ponds would be managed in the interests of great crested newts; bat boxes and various nesting boxes for birds would be provided; and buildings would be refurbished to provide specific roosting opportunities for bats. In addition habitats would be managed and created to provide foraging opportunities. I am satisfied that these and other measures would ensure that disturbance to protected species would be minimised or avoided. [6.88, 6.89]

13.117 Bearing in mind that the proposal includes the management of existing and proposed water bodies; the creation and management of new habitats; and the planting of woodland and hedgerows, I consider that overall it would enhance the bio-diversity of the area. [7.28]

#### **xvi. The impact on Listed Buildings and the Silver End Conservation Area**

13.118 When considering development proposals which affect a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess. There can be no doubt that the proposed development would cause some harm to the setting of the Listed Building complex at Woodhouse Farm. The close proximity of such a large development, with its associated lighting and parking facilities, and the visible presence of the chimney stack would have some detrimental effect upon the rural setting which the building presently enjoys. In addition the movement of such a large number of HGVs in the locality would be likely to create some noise and disturbance and generate a sense of activity in the immediate locality. However, I must bear in mind the fall back position arising from the extant planning permission for the RCF and the fact that the existing rural character of the area is already compromised to some extent by the presence of the remnants of the former airfield; the nearby scrapyards at Allshot's Farm; and the ongoing mineral workings at Bradwell Quarry which are likely to continue until 2021. [2.5, 2.7, 4.4, 8.18, 8.19, 11.10]

13.119 More importantly, I am mindful that the Woodhouse Farm complex is in an extremely poor state of repair and that the site of the complex is overgrown, derelict and untidy. The proposal to refurbish the buildings and bring them into meaningful use would, in my judgment outweigh any harmful impact on the setting of the complex that would be caused by the IWMMF development. [2.6, 7.43, 9.7]

13.120 The setting of the Listed Building at Allshot's Farm is already severely compromised, in my judgment, by the presence of the nearby vehicle scrapyards.

Bearing in mind that this building is a further 400 metres beyond the Woodhouse Farm complex, I consider that the presence of the proposed development would have little or no impact on Allshot's Farm and its present setting would be preserved.

13.121 The listed building at Sheepcotes Farm is about 600m from the proposed IWMF. At present there is a tall conifer hedge at the rear of the plot which screens the farm buildings from the airfield. Moreover, the setting of the building is already influenced by the presence of the nearby former airfield hangar; the existing telecommunications tower; and the former runways of the airfield. The construction and operation of the IWMF would have some detrimental impact on the setting of Sheepcotes Farm. However, given the distance to the application site, the present conifer screening and the impact of existing development, I conclude that the effect of the proposed IWMF on the setting of the building would be minimal. [2.10, 9.13]

13.122 The other listed buildings in the locality, and the edge of the Silver End Conservation Area are at least 1km from the site of the proposed IWMF. Given these distances; the siting of the proposed IWMF and access road extension below existing ground levels; and existing intervening vegetation, which in some cases would provide significant screening, I am satisfied that the IWMF and its operations would have only a minor impact on the setting of these buildings and the conservation area. Moreover, because of the proposed hedgerow and woodland planting, and other landscaping works associated with the development, I consider that the scheme as a whole would preserve the settings of these buildings and of the conservation area. [2.9, 2.11, 2.12, 7.46, 9.12, 9.26, 11.15]

13.123 Section 72 of the above Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 4.14 of PPG15 indicates that the desirability of preserving or enhancing the area should also be a material consideration when considering proposals which are outside the conservation area but which would affect its setting, or views in or out of the area. Bearing in mind my conclusion that the scheme as a whole would preserve the setting of the conservation area, I am satisfied, for the same reasons that it would also preserve the character and appearance of the Silver End Conservation Area. [6.137, 9.6, 9.8]

#### **xvii. The historic value of the airfield**

13.124 A number of objectors are concerned about the impact the development would have upon the historic value of the airfield. However, much of the airfield and its military buildings have disappeared. The applicants submit that the airfield is not a particularly good surviving example of a World War II military airfield. I have no detailed evidence which contradicts this view. The airfield facilities themselves are not designated or protected in any way. [6.77, 6.138, 10.36, 11.15]

13.125 I note that the provision within the S106 agreement relating to the Woodhouse Farm includes for an area to be set aside within the refurbished complex for a local heritage and airfield museum. In my opinion, this would be a practical method of recognising the contribution made by the airfield to the war effort and would be commensurate with the historic value of the site. I can see no justification for withholding planning permission at this site because of its historic value as an airfield. [5.13, 12.24]

## **Other matters**

13.126 With regard to the suggestion put forward by Feering PC that provision be made for a flood lagoon at Bradwell to relieve flooding problems in Coggeshall, Kelvedon and Feering, I agree with the comments made in the ECC committee report of 24 April 2009 (Document CD/2/12A), that to require a contribution for such development would not be in accord with the criteria for planning obligations set out in Circular 05/2005. The application site is not located in a flood risk area and the scheme would have no impact upon the flows of the River Blackwater. [11.23]

## **Mitigation measures**

13.127 As indicated above, the development would have some harmful impact on the environment. It would result in a loss of existing habitat, both open and woodland. It would generate a degree of activity, noise and disturbance, light pollution, potentially some odour, and would be detrimental to air quality as a result of the emissions from the plant and the HGV traffic that would be generated. It would result in a loss of Grade 3a agricultural land and would have a visual impact on the landscape, not least from the proposed chimney stack. The perceived risk to human health also represents a negative impact, albeit that I am satisfied that any such risk would be negligible and does not justify such fears.

13.128 In my judgment, the proposals include measures that would substantially mitigate these impacts. Moreover, the imposition of suitable conditions, IPPC control and the provisions of the S106 agreement would ensure that such impacts were kept within acceptable limits. In particular, I am mindful that the additional woodland planting, the proposed hedge planting and provision of replacement habitats, including the lagoon, the green roof of the building, and other features would mitigate against the loss of woodland and habitats. These features, in combination with the siting of much of the access road within cutting, the main building within an excavated area, the design of the main building in the form of two vast hangars, the siting and partial screening of the stack, would significantly mitigate the visual impact of the development within the landscape and the impact on the character of the area.

13.129 It seems to me that the impacts should be considered in the light of the extant permission for the RCF which provides a fall back position. On this point, I am mindful that there would no control on the number of HGV movements generated by the RCF in terms of a planning condition.

## **Overall conclusion**

13.130 Although the development would cause harm in a number of ways, I consider that the proposed mitigation measures would ensure that such harm would be minimised to such an extent that there would be no unacceptable harm either to the environment or to the local population. On the other hand, the proposal would provide a range of important benefits, not least a means of undertaking waste management in a sustainable manner which would assist in meeting the challenging waste management targets set out in the EEP. Overall, I consider that the scheme's conflict with a small number of planning policies is far outweighed by the support given by a range of other planning policies and, on balance, it seems to me that the proposal is in accord with the development plan and Government guidance.

## Conditions and obligations

13.131 I shall recommend that planning permission be granted for the eRCF subject to conditions. In the event that the SoS agrees and decides to grant planning permission it seems to me that such permission should be subject to the conditions set out in the central column of Appendix B of this report. The appendix is based on the final draft of the suggested list of conditions put forward by ECC (Document ECC/8). I have amended the list of conditions in the central column to reflect my comments below. In general, the conditions are reasonable and necessary and meet the tests set out in paragraph 14 of Circular 11/95. Where I make no comment on a condition set out in ECC/8, I consider that condition to be appropriate and necessary for the reasons set out in Appendix B and Document ECC/8.

13.132 I consider that a 5 year limit for commencement of the development as set out in Condition 1 is appropriate and realistic, bearing in mind the nature of the development and the need for an Environmental Permit to be obtained before work could realistically commence on site. Condition 2 is necessary to clarify the details of the development and to avoid any doubt as to the relevant drawing numbers. I have added this reason to the schedule.

13.133 It is necessary to limit the maximum number of HGV movements as set out in Condition 3, because no assessment has been made of the impact of a larger number of additional HGV movements on the trunk road network and there is no dispute that the network already suffers from congestion from time to time [12.3].

13.134 In the interests of road safety and to avoid congestion on the local road network it is important to take steps to minimise the likelihood of HGVs using local roads to gain access to and from the site. The traffic routing provisions of the S106 agreement would make an important contribution to this objective. To help make those provisions viable, I consider that it is necessary to log various details relating to each vehicle visiting the site. I therefore consider that it is necessary for Condition 5 to be amended to read that 'A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.' [12.4].

13.135 The words 'Figure1-2 annexed hereto' should be deleted from Condition 8 and replaced with 'application drawing Figure 1-2'. The drawing is listed in Condition 2 and there is no need to attach the drawing to the formal grant of planning permission.

13.136 'Plan 1' referred to in Condition 13 can be found in the S106 agreement. The wording in the condition should be amended to reflect this.

13.137 Condition 14 seeks to control the design of the stack. The applicants seek the SoS's views on the acceptability of a 40 m high (above existing ground level) stack (rather than the 35 m high stack applied for) in the event that the EA requires a higher stack as part of the EP procedure. Although Condition 14 relates to

the design of the stack, Condition 56 controls the height of the stack and therefore Condition 14 would be unaffected by any such change in height.

13.138 I do not consider that it is appropriate to impose a condition requiring the buildings at Woodhouse Farm to be brought into a good state of repair. I agree with ECC that such works may require Listed Building Consent and a further grant of planning permission. It would be unreasonable to impose a condition requiring such development, as the applicants would not have control over the decision which permitted such development. I am satisfied that the matter is best covered by the provisions of the S106 agreement. [12.5]

13.139 I have concerns as to whether Condition 16 meets the tests for conditions set out in Circular 11/95, particularly in relation to necessity and its relevance to the development. I appreciate that BDLPR Policy RLP94 indicates that major development will make provision for the commissioning of suitable and durable public works of art, and that the site can be seen from the public footpath. However, the development would not be located in a public place and it cannot be readily described as falling within the public realm. Moreover, I am not convinced that a work of art at this location is either relevant to the development or would make a positive contribution to the environment and the wider community. For all these reasons, I consider that Condition 16 should not be imposed. [12.6]

13.140 I consider that Condition 17 should be imposed. It is important that all possible measures are taken to ensure that there is no visible plume from the stack. Not only would a plume give the area a somewhat industrialised character, but it would unnecessarily increase fears about the possibility of environmental pollution and risks to human health, no matter how unfounded those fears may be. I am not convinced that these are matters that would necessarily form part of the EP regime and would be dealt with by the EA. I am mindful of the LCG's concern that the condition does not categorically state that there will be no plume. However, it seems to me that the Condition in its present form adopts a reasonable and pragmatic approach to the matter. [12.7]

13.141 With regard to Condition 21, the LCG is concerned that the application drawings do not identify any parking areas for HGVs. However, I support the approach that substantial provision should not be made for the parking of HGVs in the open air on the site. To encourage such parking would not be beneficial to the character of the area. Condition 21 should remain unaltered. [12.8]

13.142 As the development has been partly promoted on the argument that the excess electricity produced at the plant would be sold to the National Grid, I have some sympathy with the LCG's submission that a condition should be imposed requiring such electricity to go to the National Grid. However, it is unreasonable to impose a condition requiring the applicants to meet a requirement which is not entirely within their control. It would plainly be in the applicants' interests to sell the excess electricity and I conclude that it would be unreasonable to impose such a condition on this issue. [12.9]

13.143 In relation to Condition 28, I agree with the applicants that restricting the sourcing of SRF from outside Essex and Southend, but within the remainder of the East of England for a period of only one year from the date of agreement with the WPA, could lead to problems of uncertainty. The ability to enter into contracts for

such a limited period could unreasonably handicap the applicants in the operation of the plant. Nevertheless, it is important that all possible efforts are made to ensure that such material is sourced from within the local area in the interests of the proximity principle and the ability of the plant to deal with local waste arisings. Changes in the availability of supply in the locality should therefore be accommodated within a reasonable period. It seems to me that a reasonable and realistic approach would be to adopt a time period of 3 years in this case. I therefore consider that the reference to '[one/five] years' in paragraph (ii) of Condition 28 be amended to 'three years'. [12.10]

13.144 Condition 30 is a source of conflict between the parties. The applicants argue that it would not be possible to source 80% of the feedstock for the MDIP from within the region and the relaxation contained in the condition would therefore have to operate from the outset. In this respect the condition is unreasonable. Moreover, it is pointed out that the MDIP would be a unique facility in the UK. Policy WM3 of the East of England Plan indicates that allowance can be made for specialist processing or treatment facilities to deal with waste primarily from outside the region where there is a clear benefit.

13.145 On the other hand, I am mindful that the figure of 80% is derived from the application. As ECC points out, the regulation 19 information provided by the applicants stated that the Region could provide a significant proportion, if not all of the paper feed stock for the MDIP. Moreover, Policy WM3 places some weight on a progressive reduction of waste imported into the East of England.

13.146 It seems to me that the MDIP would be of benefit in a number of ways. It would provide a means of recycling high quality waste paper in a beneficial way. It would reduce the need to use virgin fibre for making high quality paper and in due course it would probably encourage an increase in the amount of high quality waste paper that is recovered for recycling. In these respects, the facility could be of benefit to an area larger than the East of England region.

13.147 I have some concern that the applicants did not make it clear at the outset that in reality more than 20% of the feedstock would have to be sourced from outside the region. On the other hand, it would have been unduly optimistic to expect that nearly all the relevant potential feedstock in the East of England would become available for the MDIP.

13.148 If planning permission is to be granted, the condition should be realistic and reasonable. Moreover, it seems to me that there are a number of somewhat competing objectives in relation to this condition. Firstly, the distance that waste is transported should be minimised, in accordance with the proximity principle. Secondly, and linked to the first objective, the operators of the facility should be encouraged to source locally produced feedstock wherever possible and thereby contribute to the objective of self sufficiency in dealing with waste. Thirdly, the MDIP must be viable if the benefits which it could provide are to be achieved. The applicants argue that a restriction on feedstock in terms of the distance from source, rather than being based on the regional boundary would be more realistic, practical and capable of meeting the objective of minimising the distance waste is transported. A figure of 150 km is suggested.



13.149 There are clearly merits in this approach. However, in view of the proximity and overwhelming size of London, I am concerned that this approach could result in the vast majority of the waste paper feedstock being transported from London thereby reducing any incentive to encourage the sourcing of feedstock from within the region. I therefore support the general approach adopted by ECC, although I do not agree that a requirement for 80% of the feedstock to be sourced in East of England would be reasonable, even if the terms of the condition required ECC to authorise a greater proportion of imports if the 80% target could not be met. The applicants do not expect the facility to deal with waste primarily from outside the region and therefore it seems that a requirement for 50% of the waste to be sourced from within the region would be reasonable given the flexibility provided by the suggested condition. I conclude that Condition 30 should be imposed, subject to the figure of '20%' in paragraph (i) being replaced by '50%' and the figure of '80%' in paragraph (ii) being replaced by '50%'. I have amended two typing errors in the second paragraph, replacing 'operation' with 'operator' and 'cad' with 'card'. [6.37,6.38, 12.11, 12.12]

13.150 I have concern about the hours of working on a Sunday that would be permitted during construction by Condition 35. However, I am mindful that the development is sited some distance from the nearest residential dwellings and once excavation is completed a large proportion of the work would be undertaken below natural ground levels. Moreover, a similar condition applied to the RCF permission. Bearing these points in mind, the substantial nature of the development and the aim of completing construction within about 2 years to meet the likely demands for the facility, I conclude that Condition 35 should be applied in its present form.

13.151 I agree that Condition 38 should specify where noise measurements are to be made and that the following words should be included in the condition: 'Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects'.

13.152 PPS10 makes it clear that when assessing planning applications for waste management facilities consideration should be given to the likely impact of the proposal on the local environment and on amenity. Although the pollution control regime may well result in the application of noise limits to the processes that would take place at the eRCF, it is reasonable for the planning system to seek to control noise to ensure that residential amenity is not harmed. The LCG is concerned that Conditions 39 and 40 allow higher noise levels than predicted by the applicants. That may be so, but it seems to me that the limits applied by those conditions are reasonable and should ensure that residential amenity is not significantly harmed by noise generated at the site. Condition 42 allows higher levels of noise for temporary periods, but this is intended to allow operations such as the construction of bunds which in themselves would assist in reducing the impact of the development on residential amenity. I consider that the noise levels set out in these conditions are reasonable and that the suggested conditions should be imposed. [12.15]

13.153 With regard to Condition 44, I am mindful that the applicants have indicated that external lighting units would be sited a maximum of 8 m above finished ground level and that the use of flat glass luminaries at 0° tilt would produce no upward light. However, I am satisfied that Condition 44 would enable ECC to ensure that the potential for light spillage would be minimised and I accept ECC's

argument that excessive specification before a final lighting scheme is adopted could be counter-productive. There are a number of factors to be taken into account, including considerations of average and peak levels of lighting and the number and siting of lighting units. For these reasons, I conclude that Condition 44 should remain in its present form. [6.83, 8.39-42, 12.16]

13.154 I agree with ECC that Condition 52 should be imposed. Firstly, the pollution control regime would not necessarily be applicable to the excavation and construction of the plant. Moreover, odour has the potential to cause significant harm to residential amenity and the environment, and it is not unreasonable that the planning system should have some control over this highly controversial issue which can be difficult to control and enforce if measures are not taken to provide control at the outset. Although there could well be some overlap between the planning and pollution control regimes on this matter, it is not unreasonable that the planning authority should be satisfied that appropriate measures have been taken to control fugitive odours before beneficial occupation of the IWMF is permitted. [12.17]

13.155 With regard to Condition 55, I agree with the applicants that it would be unreasonable to prohibit the works set out in the condition from taking place during the bird nesting season, if such work would not affect nesting birds. Condition 55 should remain in its present form.

13.156 Condition 56 indicates that the stack height should not exceed 85 m AOD (35m above existing ground level). The applicants consider it unlikely that a taller stack would be necessary to meet the requirements of the pollution control regime. Nevertheless, if a taller stack were required, a further planning application under Section 73 of the 1990 Act would be necessary. The applicants seek the SoS's view as to whether a taller stack, up to 90m AOD, would be acceptable. Clearly, it is a matter for the SoS whether he wishes to comment on this matter. Generally, he would not be expected to do so, particularly if insufficient information was before him. In this case, the appellants have put forward some evidence on the matter, including at least one montage of a 40m high (90m AOD) stack. Moreover, the LCG has presented some counter evidence, together with a number of montages of such a feature.

13.157 Overall, however, less information has been provided about the impact of a 40m high stack compared to that which has been presented in relation to a 35 m high stack. It would be expected that the detailed assessment of a 40m high stack would be as thorough as that for a 35 m high stack, and in this respect I consider that insufficient information has been submitted in relation for example to montages from various locations, an assessment of zone of theoretical visibility, and the opinions of all parties who may be affected by such development. Clearly, a 40m high stack would have a greater visual impact than a 35m high stack and in this respect the balance of harm versus the benefit of the eRCF would be affected.

13.158 I am mindful that the advice in the Defra document entitled 'Designing Waste Facilities' indicates that the required height of emission stacks should not be underestimated (Doc CD/8/9 Page 74). It is unfortunate that further progress on this matter has not been made in discussions between the EA and the applicants. I appreciate that only the proposed operator can apply for an Environmental Permit, as indicated in the e-mail from the EA dated 5 October 2009 (Document GF/28) and that this requirement has prevented the applicants from making a formal application

to the EA. Although detailed discussions have obviously taken place, it seems to me that insufficient progress has been made, for whatever reason, because such an important issue as the required height of the stack has not been resolved. The advice in paragraph 28 of PPS10 that waste planning authorities and pollution control authorities should work closely to ensure integrated and timely decisions under the complementary regimes has not been followed insofar as such an important matter has not been assessed in some detail by the EA. It is not for me to determine why the advice has not been followed, but the result is that important information, which ideally should have been presented to the inquiry, has not been available.

13.159 On the basis of the evidence presented to date, and my inspections of the site and its surroundings, it seems to me that the benefits of the eRCF proposal may well outweigh the harm that the development would cause even if a 40m stack were required. However, until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, it seems to me that no firm conclusions can be reached. With regard to the existing proposals, Condition 56 is appropriate.

13.160 Turning to Condition 60, the LCG submits that the management and watering of trees adjacent to the proposed retaining wall should continue during the operational phase of the development. However, evidence submitted by the applicants suggests that the trees rely on surface water in the topsoil and subsoil rather than on ground water in the substrata and ECC considers that there is therefore no need to continue watering after construction is complete. It is arguable that the future maintenance of the trees would be adequately covered by the provisions of the management plan for existing and proposed planting set out in the S106 agreement. Nevertheless, given the disturbance to the natural conditions which would be caused by the development, it seems to me that it would be wise to ensure that watering of these trees continued during the first growing season after the completion of construction if this proved necessary. I consider that the condition should be amended by including the words '*and throughout the first growing season after completion of construction where necessary*' after the words '*and construction of the IWMF*'.

13.161 I consider that the provisions of the S106 agreement are necessary to ensure that the necessary highway and access works are completed at the appropriate time in the interests of road safety; traffic routing arrangements are put in place again in the interests of road safety and to minimise any impact on the local road network; a Site Liaison Committee is set up and operates, to ensure good communications between the operator of the plant and the local community; the refurbishment of the Woodhouse Farm complex takes place in the interests of preserving the listed buildings and providing facilities that would be of benefit to the local community; a management plan is put into operation to mitigate the visual impact of the development and to enhance the ecological value of the area; to ensure that minerals are not extracted and the site then remains undeveloped; to ensure a survey of historic buildings is undertaken and the results are appropriately recorded; to ensure groundwater is monitored and any necessary mitigation measures are undertaken; to ensure the MDIP is operated as an integral part of the IWMF; and to provide for the setting up and operation of a Community Trust Fund for the benefit of the local community.

13.162 I can understand the desire of the community group and the LCG for ambient air quality monitoring to be undertaken at specified receptor locations and for the results to be made available to the local community. I have no doubt that the results of such monitoring could assist in allaying the fears of the local community about the potential of the plant to cause harm to human health and the local environment. However, as the applicants point out, such monitoring would be subject to a wide range of variables and would be of limited value in identifying the impact of the development itself. A more meaningful and accurate measurement of the emissions from the plant would be obtained from the regular monitoring of emissions from the stack. This is a requirement of the Waste Incineration Directive (WID) and would result in continuous monitoring of some emissions and regular periodic monitoring of others. It has the advantage of providing emissions data for a wide area rather than at a few specific locations and would ensure that emissions and modelling data related to the emissions from the plant. The S106 agreement provides for the results of such monitoring and also ground water monitoring to be presented to the Site Liaison Committee. I conclude that this approach would result in more meaningful measurements of emissions from the eRCF. [6.114, 12.23]

## **SECTION 14 - RECOMMENDATION**

14.1 I recommend that planning permission be granted for the proposed Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and pulping paper recycling facility to reclaim paper; Combined Heat and Power Plant utilising solid recovered fuel to produce electricity, heat and steam; Extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; Visitor / Education Centre; Extension to existing access road; Provision of offices and vehicle parking; and associated engineering works and storage tanks. The permission should be subject to the conditions set out in the centre column of Appendix B of this report.

*MP Hill*

INSPECTOR

## APPEARANCES

### FOR THE APPLICANTS:

David Elvin QC assisted by Simon Pickles, of Counsel	instructed by Linklaters LLP on behalf of Gent Fairhead & Co Limited.
They called:	
Steven Smith BSc MSc	Associate, Golder Associates (UK) Ltd
Andrew Sierakowski BSc MSc LLM MRTPI MIHBC AMCIWM	Senior Minerals and Waste Planner, Golder Associates (UK) Ltd.
Ralph Keeble BSc MICE MCIWM	Director, Ralph Keeble Consulting Ltd.
Christine Marsh BA(Hons) DipLA MLA	Senior Landscape Architect, Golder Associates (UK) Ltd
Dr Amanda Gair BSc (Hons) PhD MIES MIAQM	Head of Air Quality Team, SLR Consulting.
David Hall BSc MSc CGeol MGS	Principal, Golder Associates (UK) Ltd.
Dr Ian James Fairclough MSc PhD MIEEM	Senior Ecologist, Golder Associates (UK) Ltd.
Jeff Thornton BSc(Hons) MSc	Technical Development Director for Contaminated Land, Golder Associates (UK) Ltd.
Justin Bass MSc MCILT	Associate, Intermodal Transportation Ltd

### FOR THE WASTE PLANNING AUTHORITY:

James Pereira of Counsel He called	instructed by Solicitor to Essex County Council
Claire Tomalin BSc MA MRTPI	Senior Planner, Essex County Council.

### FOR BRAINTREE DISTRICT COUNCIL AND VARIOUS PARISH COUNCILS (The Local Councils Group):

David Whipps, Solicitor LARTPI He called	Holmes and Hills Solicitors
Ian Gilder MA DipTP MRTPI FRSA	Head of Planning, Environmental Resources Management.
Teresa Lambert BA(Hons) DipTP MRTPI	Development Control Manager, Braintree District Council.
Melanie A'lee MIHIE	Associate, Waterman Boreham Ltd.
Tony Dunn MA(Oxon) MBA	Clerk to Bradwell Parish Council.
Mrs T Sivyer	Coggeshall Parish Council.
Robert Wright IEng MSOE MBES	Rivenhall Parish Council.
Alan Waive	Silver End Parish Council.
James Abbott BSc (Hons)	Braintree District Councillor and Rivenhall Parish Councillor.

### FOR THE COMMUNITY GROUP:

John Dagg of Counsel He called	instructed by Alan Stones RIBA MRTPI MIHBC
John Palombi	Chairman of Witham & Countryside Society, Trustee

Philip Hughes  
 Barry Nee BA MA  
 Alan Stones AADip DipTP  
 RIBA MRTPI MIHBC

Director of CPREssex.  
 District Councillor and Silver End Parish Councillor.  
 Resident of Kelvedon.  
 Consultant in urban design and historic buildings  
 conservation.

### INTERESTED PERSONS:

Paul Gadd	representing Saffron Walden Friends of the Earth
David Rice	Local resident, Braintree.
Stewart Davis	Local resident, Kelvedon.
Eleanor Davis	Local resident, Kelvedon.
Paula Whitney	representing Colchester and North East Essex Friends of the Earth
Kate Ashton	Local resident, Rivenhall.
Felicity Mawson	Local resident, Witham.
Brian Saville	Local resident, Bradwall
Robert Gordon	Local resident , Silver End

### DOCUMENTS

- 1 Lists of persons present at the inquiry
- 2 ECC's Letter of Notification of inquiry.
- 3 Copies of Representations received by ECC

#### Submitted by Applicants – Gent Fairhead & Co Ltd (GF)

<b>GF/2/A</b>	Proof of Evidence of Steven Smith
<b>GF/2/B</b>	Appendices to Proof of Evidence of Steven Smith
<b>GF/2/C</b>	Rebuttal Proof of Evidence of Steven Smith
<b>GF/2/D</b>	Appendices to Rebuttal Proof of Evidence of Steven Smith
<b>GF/2/E</b>	Presentation of Evidence of Steven Smith
<b>GF/3/A</b>	Proof of Evidence of Andrew Sierakowski
<b>GF/3/B</b>	Appendices to Proof of Evidence of Andrew Sierakowski
<b>GF/4/A</b>	Proof of Evidence of Ralph Keeble
<b>GF/4/B</b>	Appendices to Proof of Evidence of Ralph Keeble
<b>GF/4/C</b>	Rebuttal Proof of Evidence of Ralph Keeble
<b>GF/4/D</b>	Appendices to Rebuttal Proof of Evidence of Ralph Keeble
<b>GF/5/A</b>	Proof of Evidence of Christine Marsh
<b>GF/5/B</b>	Appendices to Proof of Evidence of Christine Marsh
<b>GF/5/C</b>	Rebuttal Proof of Evidence of Christine Marsh
<b>GF/5/D</b>	Appendices to Rebuttal Proof of Evidence of Christine Marsh
<b>GF/6/A</b>	Proof of Evidence of Dr Amanda Gair
<b>GF/6/B</b>	Appendices to Proof of Evidence of Dr Amanda Gair

<b>GF/6/C</b>	Rebuttal Proof of Evidence of Dr Amanda Gair
<b>GF/6/D</b>	Response to Friends of the Earth – Air Quality
<b>GF/7/A</b>	Proof of Evidence of David Hall
<b>GF/7/B</b>	Appendices to Proof of Evidence of David Hall
<b>GF/7/C</b>	Supplemental Proof of Evidence of David Hall
<b>GF/7/D</b>	Appendices to Supplemental Proof of Evidence of David Hall
<b>GF/7/E</b>	Rebuttal Proof of Evidence of David Hall
<b>GF/7/F</b>	Appendices to Rebuttal Proof of Evidence of David Hall
<b>GF/8/A</b>	Proof of Evidence of Dr Ian James Fairclough
<b>GF/8/B</b>	Appendices to Proof of Evidence of Dr Ian James Fairclough
<b>GF/8/C</b>	Rebuttal Proof of Evidence of Dr Ian James Fairclough
<b>GF/8/D</b>	Appendices to Rebuttal Proof of Evidence of Dr Ian James Fairclough
<b>GF/9/A</b>	Proof of evidence of Jeff Thornton
<b>GF/9/B</b>	Appendices to Proof of Evidence of Jeff Thornton
<b>GF/9/C</b>	Supplemental Proof of Evidence of Jeff Thornton
<b>GF/9/D</b>	Appendices to Supplemental Proof of Evidence of Jeff Thornton
<b>GF/9/E</b>	Response to Friends of the Earth – HHRA
<b>GF/10/A</b>	Proof of Evidence of Justin Bass
<b>GF/10/B</b>	Appendices to Proof of Evidence of Justin Bass
<b>GF/10/C</b>	Rebuttal Proof of Evidence of Justin Bass
<b>GF/10/D</b>	Appendices to Rebuttal Proof of Evidence of Justin Bass
<b>GF/10/E</b>	Email from the Highways Agency dated 9 June 2009
<b>GF/10/F</b>	Letter from the Highways Agency dated 8 October 2009
<b>GF/11</b>	Revised Non-Technical Summary
<b>GF/12</b>	Addendum Environmental Statement
<b>GF/13</b>	Application Drawings
<b>GF/13-R1</b>	Revised Application Drawings (to replace GF/13)
<b>GF/14</b>	Erratum to GF/5/B/13 (Appendix 13 to Proof of Evidence of Christine Marsh)
<b>GF/15</b>	Erratum to GF/2/A and GF/2/B (Evidence of Steven Smith)
<b>GF/15/A</b>	Further Erratum to GF/2/A (Evidence of Steve Smith)
<b>GF/16</b>	Erratum to Chapter 2 of GF/12 (the Air Quality Chapter of the ES Addendum)
<b>GF/17</b>	Agreed note on the WRATE Modelling
<b>GF/18</b>	Proposed Site Itinerary
<b>GF/19</b>	Applicant List of Appearances
<b>GF/20/A</b>	List of Inquiry Documents – Day 1 (Tuesday 29 September 2009)

<b>GF/20/B</b>	List of Inquiry Documents – Day 2 (Wednesday 30 September 2009)
<b>GF/20/C</b>	List of Inquiry Documents – Day 5 (Tuesday 6 <sup>th</sup> October 2009)
<b>GF/20/D</b>	List of Inquiry Documents – Day 5 (Tuesday 6 <sup>th</sup> October 2009)
<b>GF/20/E</b>	List of Inquiry Documents – Day 8 (Friday 9 <sup>th</sup> October 2009)
<b>GF/20/F</b>	List of Inquiry Documents – Day 10 (Wednesday 14 <sup>th</sup> October 2009)
<b>GF/21</b>	Opening Submissions on behalf of the Applicant
<b>GF/22</b>	Erratum to GF/6/B/10 (Appendix 10 to the Proof of Evidence of Amanda Gair)
<b>GF/23</b>	Erratum to GF/5/A (Proof of Evidence of Christine Marsh)
<b>GF/24</b>	Summary Data to Support Evidence of Ralph Keeble
<b>GF/25/A</b>	Indicative Inquiry Programme (Day 2)
<b>GF/25/B</b>	Indicative Inquiry Programme (Day 2)
<b>GF/25/C</b>	Indicative Inquiry Programme (Day 3)
<b>GF/25/D</b>	Indicative Inquiry Programme (Day 5)
<b>GF/25/E</b>	Indicative Inquiry Programme (Day 6)
<b>GF/25/F</b>	Indicative Inquiry Programme (Day 6)
<b>GF/25/G</b>	Indicative Inquiry Programme (Day 8)
<b>GF/25/H</b>	Indicative Inquiry Programme (Day 9)
<b>GF/26</b>	Letter from Shanks to Ralph Keeble dated 21 September 2009
<b>GF/27</b>	Note of WRATE Modelling – Agreed Between David Hall and Ian Gilder
<b>GF/28</b>	Email from the Environment Agency in Respect of the Environmental Permit Application
<b>GF/29</b>	Negotiation of the RCF Section 106 Agreement
<b>GF/30</b>	Supplementary Note to Ralph Keeble's Evidence
<b>GF/31</b>	Supplementary Note on Tissue Mill Feedstock – by Ralph Keeble
<b>GF/32</b>	Note on Heritage Significance of Rivenhall Airfield
<b>GF/33</b>	Supplementary Note of EERA Review Consultation – by Ralph Keeble
<b>GF/34</b>	Supplementary Information - prepared by Amanda Gair
<b>GF/35</b>	Note on Tranquillity Mapping
<b>GF/36</b>	Erratum to CD/2/6 (Appendix 1 to the Ecological Impact Assessment Chapter)
<b>GF/37</b>	Note addressing question raised by Friends of the Earth regarding the "R1 Formula" (i.e. whether the eRCF would be categorised as "recovery" or "disposal" pursuant to Directive 2008/98/EC)
<b>GF/38</b>	Flexibility of the eRCF
<b>GF/39</b>	Directions to Frog Island WMF for site visit on Friday 16 October (Meeting there at 10.30am)
<b>GF/40</b>	Note addressing letter to the Inquiry from Glendale Power dated 8 October 2009 (CD/15/5/B)
<b>GF/41</b>	eRCF Preliminary Lighting Schedule
<b>GF/42</b>	eRCF Maintenance Note



<b>GF/43</b>	Explanation of changes to application drawings
<b>GF/44</b>	Closing submissions
<b>GF/45</b>	Drawing showing calculation of eRCF building area( in response to CD1/13/2 – Local Council's response to SoCG)

### Submitted by Essex County Council (ECC)

<b>ECC/1</b>	Statement of Case
<b>ECC/2</b>	Proof of Evidence of Claire Tomalin
<b>ECC/3</b>	Summary Proof of Evidence of Claire Tomalin
<b>ECC/4</b>	Opening Submissions on behalf of ECC
<b>ECC/5</b>	Email from ERM to Lesley Stenhouse at ECC and Response
<b>ECC/6</b>	Supplementary Note of EERA Review Consultation – prepared by Claire Tomalin
<b>ECC/7</b>	Proposed Conditions (with comments where condition not agreed between ECC and the Applicant)
<b>ECC/8</b>	Revised version of ECC/7 with changes marked to show additional comments following Inquiry session on 13 October 2009
<b>ECC/9</b>	Closing submissions

### Submitted by Local Council's Group (LC)

<b>LC/1/A</b>	Proof of Evidence of Ian Gilder
<b>LC/1/B</b>	Appendices to Proof of Evidence of Ian Gilder
<b>LC/1/C</b>	Supplementary Proof of Evidence of Ian Gilder
<b>LC/1/D</b>	Rebuttal Proof of Evidence of Ian Gilder
<b>LC/1/E</b>	Note on ERM 2009 Report (CD/10/4)
<b>LC/2/A</b>	Proof of Evidence of Teresa Mary Lambert
<b>LC/2/B</b>	Appendices to Proof of Evidence of Teresa Mary Lambert
<b>LC/3/A</b>	Proof of Evidence of Melanie A'Lee
<b>LC/3/B</b>	Appendices to Proof of Evidence of Melanie A'Lee
<b>LC/4/A</b>	Proof of Evidence of Tony Dunn
<b>LC/4/B</b>	Appendices to Proof of Evidence of Tony Dunn
<b>LC/5/A</b>	Proof of Evidence of Michael Horne
<b>LC/6/A</b>	Proof of Evidence of Robert Wright
<b>LC/7/A</b>	Proof of Evidence of Alan Waive
<b>LC/8/A</b>	Proof of Evidence of James Abbott
<b>LC/8/B</b>	Appendices to Proof of Evidence of James Abbott
<b>LC/9</b>	List of Appearances for the Local Councils
<b>LC/10</b>	Opening Submissions on behalf of the Local Councils
<b>LC/11/A</b>	Plan showing Parish boundaries

<b>LC/11/B</b>	Plan showing certain referenced roundabouts
<b>LC/11/C</b>	Plan showing certain referenced local roads
<b>LC/12</b>	Closing submissions
<b>LC13-14</b>	These have been numbered as CD/16/3-4

### Submitted by Community Group (CG)

<b>CG/1/A</b>	Proof of Evidence of John Palombi
<b>CG/1/B</b>	Appendices to Proof of Evidence of John Palombi
<b>CG/2/A</b>	Proof of Evidence of Philip Hughes
<b>CG/2/B</b>	Appendices to Proof of Evidence of Philip Hughes
<b>CG/3/A</b>	Proof of Evidence of Barry Nee
<b>CG/4/A</b>	Proof of Evidence of Alan Stones
<b>CG/4/B</b>	Appendices to Proof of Evidence of Alan Stones
<b>CG/5</b>	List of Appearances and Opening Submissions on behalf of the CG
<b>CG/6</b>	Closing submissions

### Submitted by other parties and individuals (OP)

<b>OP/1</b>	Submission on behalf of Saffron Walden Friends of the Earth, together extract of Environmental Report, dated February 2008, to Essex County Council by Eunomia.
<b>OP/2</b>	Oral statement of behalf of Saffron Walden Friends of the Earth including extract from DEFRA Stage One: Consultation on the transposition of the revised Waste Framework Directive (Directive 2008/98/EC) (July 2009)
<b>OP/3</b>	Submission from Stewart Davis
<b>OP/4</b>	Submission from Eleanor Davis
<b>OP/5</b>	Submission from Kate Ashton, including appendices.
<b>OP/6</b>	Submission by Paula Whitney, together with 7 appendices, on behalf of Colchester and North East Essex Friends of the Earth
<b>OP/7</b>	Submission by Felicity Mawson

### CORE DOCUMENTS (referenced as: CD/[Section No]/[Ref No], e.g. the call in letter is CD/1/1)

Section No	Ref No	Document Title or Description
<b>1</b>		<b>Call In Letter</b>
1	1	Government Office for the East of England Call in Letter - 12.05.09
<b>2</b>		<b>eRCF Planning Application and Associated Documents - ESS/37/08/BTE</b>
2	1	Letter to ECC - Ref. Screening & Scoping - 22.05.08
2	2	eRCF Formal Scoping Opinion Request - 22.05.08
2	3	Letter to ECC - Ref. Planning Application & EIA - 26.08.08

2	4	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 1 - 26.08.08
2	5	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 1 of 4 - 26.08.08
2	6	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 2 of 4 - 26.08.08
2	7	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 3 of 4 - 26.08.08
2	8	Planning Application and Environmental Statement, Proposed Evolution of the Recycling & Composting Facility at Rivenhall Airfield, Volume 2, 4 of 4 - 26.08.08
2	9	Letter to ECC - Ref. Regulation 19 - Additional Information - 09.12.08
2	10	Regulation 19 Additional Information - 09.12.08
2	11	ERM, Rivenhall Airfield – Evolution of the Recycling and Composting Facility: Review of Environmental Statement, Final Report, November 2008
2	12A	ECC Report to Committee (DR/19/09) - 24.04.09
2	12B	Addendum to ECC Report to Committee - 24.04.09
2	13	Minutes of the Development & Regulation Committee - 24.04.09
<b>3</b>		<b>RCF Planning Application and Associated Documents - ESS/38/06/BTE</b>
3	1	Planning permission dated 26 February 2009 (Ref:KA/DEVC/2848)
3	2	Minutes of the East of England Regional Planning Panel Sub-Committee of 19 January 2007
3	3	Rivenhall Airfield Recycling & Composting Facility, Volume 1 - Planning Application Supporting Statement – July 2006
3	4	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 1 of 2- July 2006
3	5	Rivenhall Airfield Recycling & Composting Facility, Volume 2 - Environmental Statement, File 2 of 2- July 2006
3	6	Rivenhall Airfield Recycling & Composting Facility Supplementary Report, Nov 2006
3	7	Section 106 Agreement dated 26 February 2009 between Gent Fairhead & Co Ltd (1), Essex County Council (2), Barclays Bank Plc (3), Gent Fairhead Aggregates Ltd and Cemex Operations Ltd (4) and The Bradwell Estate (5)
3	8	Letter from Go-East dated 26 April 2007 in response to the referral by ECC of ESS/38/06/BTE
3	9	ECC Committee Report - ESS/38/06/BTE - 30 March 2007 (DR/015/07)
<b>4</b>		<b>European Legislation and Guidance</b>
4	1	Consolidated EC Framework Directive on Waste 2006/12/EC (previously the Waste Framework Directive 75/442/EEC (as amended))
4	2	New EC Framework Directive on Waste 2008/98/EC
4	3	EC Waste Incineration Directive 2000/76/EC
4	4	EC Landfill Directive 1999/31/EC
4	5	EC Groundwater Directive 2006/118/EC
4	6	EC Reference Document on Best Available Techniques in the Pulp and Paper Industry, 2001
4	7	EC Directive on Air Quality 2008/50/EC
4	8	The IPPC Directive (Directive 2008/01/EC)
<b>5</b>		<b>Statutory Development Plan and Associated Documents</b>
5	1	East of England Plan, The Revision to the Regional Spatial Strategy for the East of England, (May 2008)
5	2	Report to the Regional Planning Panel on the 29 June 2009 entitled 'Waste Policies for the review of the East of England Plan'
5	3	Essex and Southend Replacement Structure Plan (Adopted April 2001)

5	4	Essex and Southend Waste Local Plan (Adopted September 2001)
5	5	Braintree District Local Plan Review (Adopted July 2005)
5	6	Essex Minerals Local Plan First Review (January 1997)
5	7	Extract from the Report of the Panel, dated June 2006, Following the Examination in Public of the East of England Plan December 2004
5	8	Technical Paper on Waste for the Review of the East of England Plan – Consultation Document, August 2009
<b>6</b>		<b>National Planning Policy</b>
6	1	Planning Policy Statement (PPS) 1 – Delivering Sustainable Development
6	2	Planning and Climate Change – Supplement to PPS 1
6	3	Consultation Paper on PPS4 – Planning for Sustainable Economic Development 2007
6	4	PPS 7 – Sustainable Development in Rural Area
6	5	PPS 9 – Biodiversity and Geological Conservation
6	6	PPS 10 – Planning for Sustainable Waste Management
6	6A	Extract from the Companion Guide to PPS 10
6	7	Planning Policy Guidance (PPG) 13 – Transport
6	8	PPG 15 – Planning and the Historic Environment
6	9	PPG 16 – Archaeology and Planning
6	10	PPS 22 – Renewable Energy 2004
6	11	PPS 23 – Planning and Pollution Control
6	11A	Planning Policy Statement 23: Planning and Pollution Control Annex 1: Pollution Control, Air and Water Quality
6	12	PPG 24 – Planning and Noise
6	13	PPS 25 – Development and Flood Risk
6	14	Minerals Policy Statement (MPS) 2 – Controlling and Mitigating the Environmental Effects of Minerals Extraction in England
6	15	The Planning System: General Principles (ODPM, 24.02.2004)
6	16	PPS Planning for the Historic Environment: Historic Environment Planning Practice Guide (Living Draft – 24 July 2009)
6	17	Consultation paper on a new Planning Policy Statement 15: Planning for the Historic Environment (DCLG July 2009)
<b>7</b>		<b>Circulars</b>
7	1	Circular 11/95: Use of conditions in planning permission
7	2	Circular 05/05: Planning obligations
<b>8</b>		<b>Other Law, Policy and Strategy Documentation</b>
8	1	DEFRA Waste Strategy for England 2007 (May 2007)
8	2	Joint Municipal Waste Management Strategy for Essex (2007 to 2032)
8	3	DEFRA – Waste Infrastructure Delivery Programme Information Note on Combined Heat & Power (January 2009)
8	4	The UK Renewable Energy Strategy 2009
8	5	Essex Waste Management Partnership PFI, Outline Business Case, April 2008 (Executive Summary)
8	6	Essex Waste Management Partnership PFI, Outline Business Case, July 2009 (main body only, no appendices)
8	7	English Heritage (2006) <i>Understanding Historic Buildings: A guide to good recording practices</i>
8	8	The UK Low Carbon Transition Plan – National strategy for climate and energy
8	9	Designing waste facilities – a guide to modern design in waste (DEFRA/CABE 2008)
<b>9</b>		<b>Previous Inquiry Documents and Other Planning Permissions</b>
9	1A	Essex and Southend-on-Sea Waste Local Plan, Public Inquiry, 25 October 1999 – 5 January 2000, Report of the Inspector, July 2000

9	1B	Secretary of State's decision in respect of CD/9/1A
9	2	Planning Permission ESS/07/98/BTE: Minerals Local Plan Site R, Bradwell Sand and Gravel Pit and Rivenhall Airfield, Bradwell
9	3	ESS/15/08/BTE, Report from the Head of Environmental Planning at ECC approving variation of ESS/07/98/BTE to allow amended restoration levels.
<b>10</b>		<b>Industry Reports and Assessments</b>
10	1	Urban Mines – Detailed Assessment of East of England Waste Arisings for the East of England Regional Assembly (March 2009)
10	2	WRAP Market De-inked Pulp Feasibility Study, 2005
10	3	Waste Arisings, Capacity and Future Requirements Study Final Report (ERM, February 2007)
10	4	Updated Capacity and Need Assessment Final Report (ERM, July 2009)
<b>11</b>		<b>The Council Group Documents</b>
11	1	[NOT USED]
11	2	Braintree District Council, Committee Report – 25 November 2008
11	3	Braintree District Council, Minutes of Planning Committee Meeting – 25 November 2008
11	4	Braintree District Council, Committee Report – 20 January 2009
11	5	Braintree District Council, Minutes of Planning Committee Meeting – 20 January 2009
11	6	[NOT USED]
11	7	[NOT USED]
11	8	Braintree District Council, Cabinet Meeting, Minutes of Meeting – 11 May 2009
<b>12</b>		<b>The Community Group Documents</b>
12	1	Kelvedon Village Plan, Kelvedon Parish 2002
12	2	Bradwell Village Action Plan, Bradwell Village Action Group, 2003
12	3	The Countryside Agency, Rivenhall Village Design Statement, July 2005
<b>13</b>		<b>Statement of Common Ground</b>
13	1	Draft Statement of Common Ground agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
13	2	Draft Appendix to CD/13/1 prepared by the Councils Group
13	3	CD13/1 with slight amendments shown in track changes (incorporating CD/13/2 as Appendix 1)
13	4	Final Statement of Common Ground
<b>14</b>		<b>Section 106 Agreement</b>
14	1	Draft Section 106 Agreement agreed between Gent Fairhead & Co. Ltd and ECC, dated 26 August 2009
14	2	Note setting out changes to be made to CD/14/1 prior to engrossment of Section 106 Agreement to incorporate comments of Local Councils
14	3	Further changes to be made to CD/14/1 to incorporate comments of Local Councils
14	4	Engrossment version of S106 (being CD/14/1 incorporating changes set out in CD/14/3)
14	5	Conformed and certified copies of completed S106 agreement
<b>15</b>		<b>Third Party Correspondence</b>
15	1	File of third party correspondence received from PINS on 3 August 2009
15	2	Correspondence received from PINS up to and including 25 September 2009
15	3	Letter submitted by Mr B T Hill to Inspector at Inquiry dated 5 October 2009
15	4	Correspondence received from PINS on 8 October 2009 (comprising 3 letters and 3 emails CD/15/4/A to CD/15/4/F)
15	5	Correspondence received from PINS between 9 and 12 October 2009 (CD/15/5/A to CD/15/5/F)
15	6	Correspondence received from PINS on 13 October 2009
15	7	Letter from Environment Agency to PINS dated 13 October 2009
<b>16</b>		<b>Comments on the EA response to Addendum to ES and on any other representations on the Addendum received by 14 October 2009.</b>

- 16 1 Letter from EA dated 22 October 2009 clarifying earlier comments
- 16 2 Comments on EA letter from Community Group dated 22 October 2009
- 16 3 Comments on EA letter from Local Council's Group dated 22 October 2009
- 16 4 Comments on lighting schedules from Local Council's Group dated 22 October 2009
- 17** **Final responses submitted by 29 October 2009 to evidence submitted at CD/16 above.**
- 17 1 Technical Note on Exterior Lighting, prepared by Pell Frishmann (dated 26 October 2009) on behalf of the applicants in response to representations from the LCG and CG's dated 22 October 2009.
- 17 2 Applicants response to representations made by Local Councils Group and Community Group on 22 October 2009 (CD/16 above) - Prepared by Dr Amanda Gair, 29 October 2009

## **Appendix A – Brief Description of the Frog Island Waste Management Facility at Rainham**

- 1) I undertook an accompanied visit to the Frog Island Waste Management Facility on 16 October 2009.
- 2) The Frog Island development comprises a materials recycling facility (MRF) and a mechanical biological treatment plant (MBT). The MBT plant processes about 200,000 tpa of municipal solid waste (MSW) and C&I waste on three lines each taking about 70,000 tpa. The plant operates with a negative internal air pressure and each line has a large biological filter on the roof designed to deal with odours. The object of the site visit was to inspect the operation and efficiency of the plant with regard to the generation of dust, and odour.
- 3) The plant is situated on the edge of the River Thames and is some distance from the nearest residential properties. There were high levels of noise at the end of each line within the plant, at the point where vehicle trailers were being loaded before removing residues from the plant. However, the plant appears to be well insulated for sound because the level of noise outside the building was low and not intrusive.
- 4) The plant is fitted with fast operating roller shutter doors and these appear to work well. However, the reception area for the delivery of waste is too small. I noted that vehicles were depositing their loads whilst the roller shutter doors were open – they did not appear to have sufficient room to move fully into the building before tipping the waste. Some waste spilled outside the line of the doors as the vehicles moved forward, lowering their trailer bodies and leaving the building. This spill of waste prevented the doors from being closed fully from time to time and there was some odour from waste at the point of delivery. Nevertheless, the negative air pressure system appeared to work well, because there was no other apparent odour emanating from the plant except that at the point of delivery.
- 5) I have no doubt that this problem is due to the limited size of the delivery area, which prevents some vehicles from unloading entirely within the building. The negative air pressure also clearly assisted with dust control. There was a significant amount of dust inside the plant, particularly at the end of the MBT lines. However, this is kept within the plant and I saw no obvious signs of dust nuisance outside the building.
- 6) Finally, I inspected the biological filters on the roof. These were filled with wood bark and the only odour emanating from this part of the plant was the smell of wood bark.

## Appendix B – List of Proposed Planning Conditions

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<b>Commencement</b>		
1. Commencement within 5 years, 30 days prior notification of commencement.	<p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.</p> <p><b>Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).</b></p>	
<b>Approved Plans and Details</b>		
2. The development hereby permitted shall only be carried out in accordance with the details submitted by way of the application and subsequent submitted information.	2. The development hereby permitted shall only be carried out in accordance with drawing numbers:	ECC: Inspector to decide if any additional material to be specifically referenced.
	<b>Title</b>	
	1-1: Land Ownership & Proposed Site Plan	
	1-2: Proposed Planning Application Area	
	1-4: Access Road Details	
	1-5A: Typical Arrangement and Architectural Features of the eRCF	
	1-8: Schematic Arrangement of Woodhouse Farm	
	1-9: eRCF Simplified Process Flow	
	1-10: eRCF Integrated Process Flow	
	3-3: Site Plan Layout	
	3-8C: eRCF General Arrangement	
	3-12C: eRCF Detailed Cross-Sections	
	3-14A: eRCF Upper Lagoon & Wetland Shelf	
	3-16: Services Plan	
	3-19B: eRCF General Arrangement	
	8-6: Landscape Mitigation Measures	
	IT569/SK/06: Proposed Improvements to Site Access Road Junction with Church Road	
	IT569/SK/07: Proposed Improvements to Site Access Road Junction with Ash Lane	
	19-2B: Tree Survey	
	19-3B: The Constraints and Protection Plan	
	19-5: eRCF Base Plan Woodhouse Farm	
	<b>Reason: For the sake of clarity and the avoidance of doubt</b>	
<b>Traffic and Access</b>		



<p><b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b></p>	<p><b>Proposed conditions</b></p>	<p><b>Comments by parties</b></p>
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p><b>3.</b> The total number of Heavy Goods Vehicle [HGV<sup>1</sup>] movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed IWWMF<sup>2</sup> hereby permitted shall not exceed the following limits:                      404 movements 202 in and 202 out per day (Monday to Friday)                      202 movements 101 in and 101 out per day (Saturdays)                      and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.</p> <p>No HGV movements shall take place outside the hours of operation authorised in Conditions 34 &amp; 36 of this permission.</p> <p><sup>1</sup>An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.</p> <p><sup>2</sup> IWWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p><b>Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy MLP13 and WLP policies WLP W4C &amp; W10E.</b></p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p><b>4.</b> The total number of Heavy Goods Vehicles [HGV<sup>1</sup>] vehicle movements associated with the construction of the IWWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:                      404 movements 202 in and 202 out per day (Monday to Sunday).</p> <p>No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.</p> <p><sup>2</sup> IWWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.</p> <p><b>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E.</b></p>	
<p>3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.</p>	<p><b>5.</b> A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request . The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.</p> <p><b>Reason: To enable the Waste Planning Authority to monitor HGV movements and in the interests of highway safety, safeguarding local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
<p>4. Details of the extended access road to be submitted including removal of lay-by on single lane section with upgrading of surface to passing bay.</p> <p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p> <p>34. No development shall commence until the layout of the cross over points of rights of way with the haul road, both existing and proposed, have been submitted for approval.</p>	<p>6. No development shall commence until full details of the extended access road and the layout of the cross over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross over points shall be implemented in accordance with the approved details.</p> <p><b>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E &amp; W10G, and MLP policy MLP13.</b></p>	
<p>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.</p>	<p>7. No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath crossover points have been constructed.</p> <p><b>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E &amp; W10G, and MLP policy MLP13.</b></p>	
<p>6. All vehicles shall only enter and leave the Site using the Coggeshall Road (A120) junction.</p>	<p>8. No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.</p> <p><b>Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policies W4C &amp; W10E and MLP policies MLP3 &amp; MLP13.</b></p>	
<p>7. No vehicles shall park within passing bays on the access road between Church Road and Ash Lane.</p>	<p>9. No vehicles shall park on the haul road between the A120 and Ash Lane.</p> <p><b>Reason: In the interests of safeguarding the local environment and amenity and to comply with MLP Policy MLP13 and WLP Policy W10E.</b></p>	
<p><b>Cultural Heritage</b></p>		
<p>8. No development until a programme for archaeological investigation.</p>	<p>10. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.</p> <p><b>Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
9. No demolition of airfield buildings until level 3 survey undertaken.	<p>11. No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.</p> <p><b>Reason: To ensure that any historical interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
10. No development affecting the moat until details of the proposed improvements and water supply submitted for approval.	<p>12. No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.</p> <p><b>Reason: To ensure protection of any historical and/or ecological interest to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
11. No development until details of signage, telecommunications and lighting within the vicinity of Woodhouse Farm have been submitted.	<p>13. No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farm house, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 (which can be found in the S106 agreement)) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.</p> <p><b>Reason: To protect the setting and appearance of the Listed Buildings and to comply with WLP policy W10E and BDLPR policy RLP100.</b></p>	
<b>Design and Layout</b>		
<p>12. No development shall commence until details of the design of the chimney including elevations, sections, plan views to appropriate scales and construction details have been submitted.</p> <p>&amp;</p> <p>14. No development shall commence until information on effect of weathering on the proposed chimney material and how the chimney would be maintained to retain the quality of the surface have been submitted.</p>	<p>14. No development shall commence until details of the design of the stack serving the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:</p> <p>(a) elevations, sections and plan views to appropriate scales and construction details;</p> <p>(b) samples of the finish of the stack to provide a mirrored reflective surface; and</p> <p>(c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality of the surface of these materials.</p> <p>The stack shall be constructed and maintained in accordance with the details approved</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and Adopted Braintree Local Plan Review 2005 (BDLPR) policy RLP78.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	<p>15. No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policies RLP78 &amp; RLP90.</b></p>	
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.	16. Not used	
15. No development shall commence until management measures for the CHP plant have been submitted to ensure there is no visible plume from the chimney.	<p>17. No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</b></p>	
16. No development shall commence until details of the green roofs have been submitted.	<p>18. No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to ensure enhancement of biodiversity and to comply with WLP policy W10E and BDLPR policies, RLP78 &amp; RLP90.</b></p>	
17. No development shall take place until details of the layout of the waste management facility have been submitted.	<p>19. No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.</p> <p><b>Reason: To ensure control of the development and in the interests of local amenity with respect to control of noise, dust, odour and light and to comply with WLP policy W10E.</b></p>	
<p>18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.</p> <p>&amp;</p> <p>49. No redundant plant or machinery, containers, skips, trailers or vehicles shall be parked other than within designated areas.</p>	<p>20. No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.	<p>21. No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.</p> <p><b>Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78 and RLP100.</b></p>	
<b>Water Resources</b>		
19. No development shall take place until a detailed scheme for foul water has been submitted and approved.	<p>22. No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with WLP policy W4B &amp; W10E and BDLPR policy RLP 100.</b></p>	
20. No development shall take place until a detailed scheme of the surface water drainage and the ground water management system, including details of water flows between Upper lagoon and New Field lagoon.	<p>23. No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E.</b></p>	
21. No excavation shall take place until a scheme identifying locations for the installation of boreholes to monitor groundwater has been submitted.	<p>24. No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E.</b></p>	
22. In the event that contamination is found the developer shall submit details of mitigation and remediation for approval.	<p>25. No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any remediation and mitigation identified.</p> <p><b>Reason: To minimise the risk of pollution of water courses, aquifers and to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E and BDLPR policy RLP64.</b></p>	
<b>Waste Management</b>		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
23. No element of the development may be implemented in isolation of others.	<p><b>26.</b> The market de-inked paper pulp plant shall only source its heat steam and energy from the IWWMF with the exception of periods of start-up and maintenance and repair of the IWWMF.</p> <p><b>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 &amp; WM3 and WLP policies W4C, W8A &amp; W7G.</b></p>	
24. No waste shall be brought onto the Site for processing in the MRF, AD, MBT and CHP plant (except waste paper and card) other than that arising from within the administrative area of Essex and Southend-on-Sea. Submission of monitoring data.	<p><b>27.</b> No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.</p> <p><b>Reason: To ensure the development is operated as an integrated waste management facility as proposed, maximising the benefits of the co-location of the different elements and to comply with RSS policies WM1 &amp; WM3 and WLP policies W4C, W8A &amp; W7G.</b></p>	
	<p><b>28.</b> (i) SRF shall be sourced internally from the IWWMF or within the administrative boundaries of Essex and Southend-on-Sea.</p> <p>(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source SRF from these sources and there remains capacity within the IWWMF, then SRF arising from elsewhere within the East of England may be used up to the available capacity for a period up to three years from the date of the agreement of the Waste Planning Authority.</p> <p>(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.</p> <p><b>Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and amenity and to comply with RSS policies WM1, WM3, WM4 &amp; WM5 and WLP policies W3A, W3C, W6A, W7A, W7B, W7C and W10E.</b></p>	<p>GFC: Five years appropriate</p> <p>ECC: One year appropriate</p>
25. No wastes other than dry non-hazardous Municipal Solid Waste and Commercial & Industrial wastes shall be brought onto the Site for processing, treatment or disposal.	<p><b>29.</b> No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.</p> <p><b>Reason: Waste material of a greater quantity would raise additional environmental concerns, which would need to be considered afresh and to comply with RSS policies SS1, WM1, WM2, WM3 &amp; WM4 and WLP policies W3A, W3C, W8A, &amp; W10E.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>26. No more than 435,000 tpa of waste (MSW and/or C&amp;I) as MOW, MDR or unsorted waste, shall be imported to the Site, except C&amp;I waste in the form of paper and card. No more than 331,000 tpa of paper and card shall be brought to the Site. No more than 87,500 tpa of SRF shall be imported to the Site. Records shall be kept and provided upon request.</p>	<p><i>[NO CONDITION REQUIRED - MERGED WITH PREVIOUS CONDITION]</i></p>	
<p>27. No more than 20% of the imported waste paper and card shall be from sources outside the East of England Region. Records shall be kept and provided upon request.</p>	<p><b>30.</b> (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.</p> <p>(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.</p> <p>(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.</p> <p><b>Reason: In the interests of the environment by assisting the East of England Region to become self-sufficient for managing its own waste ensuring that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity and to comply with RSS policies WM1, WM3 &amp; WM4, WLP policies W3A, W3C, W8A, W10E, the London Plan (February 2008) policies 4A.21 and 4A.22, the South East Plan (may 2009) policies W3, W4, W10 and W17.</b></p>	<p>GFC do not agree to proposed condition. Applicant would prefer one of the following, in order of preference:</p> <p>No Condition</p> <p>OR</p> <p>Waste paper and card imported to the site shall be sourced from within a 150km radius of the development site by road. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p>OR</p> <p>Waste paper and card to be imported to the site shall only be sourced from the East of England Region, London and the South East Region. Records of the source of waste imported to the site shall be kept for 2 years and shall be submitted to the Waste Planning Authority within 14 days of a written request.</p> <p><b>Reason: To comply with RSS policy WM3.</b></p>

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
28. No waste brought onto the Site shall be discharged, deposited, handled, stored, composted or otherwise processed outside the buildings.	<p><b>31.</b> No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWWMF buildings and structures.</p> <p><b>Reason: To ensure minimum disturbance from operations and to avoid nuisance to local amenity and compliance with WLP policy W10E and BDLPR policy RLP62.</b></p>	
29. No waste materials other than those arriving in enclosed containers, and enclosed or sheeted vehicles shall be accepted for processing.	<p><b>32.</b> All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.</p> <p><b>Reason: To ensure controlled waste operations and the containment of waste materials in compliance with WLP policy W10E and BDLPR policy RLP62.</b></p>	
30. No vehicles shall leave the waste management facility site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.	<p><b>33.</b> No vehicle shall leave the IWWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.</p> <p><b>Reason: In the interests of limiting the effects on local amenity and highway safety, to control the impacts of the development and compliance with WLP policy W10E and BDLPR policy RLP62</b></p>	
<b>Hours of Working</b>		
31. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between 07:00-18:30 hours Monday to Friday, and 07:00 - 13:00 hours Saturdays and not on Sundays, Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.	<p><b>34.</b> No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:</p> <p>07:00-18:30 hours Monday to Friday, and 07:00 -13:00 hours Saturdays and shall not take place on Sundays, Bank and Public Holidays except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with MLP policy MLP13, WLP policies W10E &amp; W10F and BDLPR policy RLP62.</b></p>	Consistent with the hours of the adjacent Bradwell Quarry.
32. The construction works (including deliveries of building materials) for the waste management facility, hereby permitted shall only be carried out between 07:00 - 19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.	<p><b>35.</b> The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E &amp; W10F and BDLPR policy RLP62.</b></p>	



Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties																										
<p>33. No waste or processed materials shall be delivered to or removed from any part of the waste management facility other than between 07:00 and 18:30 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays as required and then only between 10:00 and 16:00 hours.</p>	<p><b>36.</b> No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours</p> <p>07:00 and 18:30 hours Monday to Friday and</p> <p>07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays</p> <p>except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E &amp; W10F and BDLPR policy RLP62.</b></p>																											
<p><b>Footpaths</b></p>																												
<p>35. No development shall take place until signs have been erected on both sides of the haul/access road where footpaths cross the haul road</p>	<p><b>37.</b> No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.</p> <p><b>Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policy MLP13 and WLP policy W10G.</b></p>																											
<p><b>Noise</b></p>																												
<p>36. Except for temporary operations, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (L<sub>Aeq 1 hour</sub>) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the L<sub>Aeq 1 hour</sub> levels set out in the following table:</p>	<p><b>38.</b> Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (L<sub>Aeq 1 hour</sub>) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the L<sub>Aeq 1 hour</sub> levels set out in the following table:</p> <table border="1" data-bbox="555 1285 884 1957"> <thead> <tr> <th>Noise Sensitive Properties</th> <th>Location Criterion dB L A eq 1 hour</th> </tr> </thead> <tbody> <tr> <td>Herring's Farm</td> <td>45</td> </tr> <tr> <td>Deeks Cottage</td> <td>45</td> </tr> <tr> <td>Haywards</td> <td>45</td> </tr> <tr> <td>Allshot's Farm</td> <td>47</td> </tr> <tr> <td>The Lodge</td> <td>49</td> </tr> <tr> <td>Sheepcotes Farm</td> <td>45</td> </tr> <tr> <td>Greenpastures Bungalow</td> <td>45</td> </tr> <tr> <td>Goslings Cottage</td> <td>47</td> </tr> <tr> <td>Goslings Farm</td> <td>47</td> </tr> <tr> <td>Goslings Barn</td> <td>47</td> </tr> <tr> <td>Bumby Hall</td> <td>45</td> </tr> <tr> <td>Parkgate Farm Cottages</td> <td>45</td> </tr> </tbody> </table>	Noise Sensitive Properties	Location Criterion dB L A eq 1 hour	Herring's Farm	45	Deeks Cottage	45	Haywards	45	Allshot's Farm	47	The Lodge	49	Sheepcotes Farm	45	Greenpastures Bungalow	45	Goslings Cottage	47	Goslings Farm	47	Goslings Barn	47	Bumby Hall	45	Parkgate Farm Cottages	45	
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	<p>Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.</p> <p><b>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</b></p>	
<p>37. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 47 dB(A) <math>L_{Aeq\ 1\ hour}</math> between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties adjoining the Site.</p>	<p>39. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 42 dB(A) <math>L_{Aeq\ 1\ hour}</math> between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.</p> <p><b>Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</b></p>	
<p>38. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 40 dB(A) <math>L_{Aeq\ 1\ hour}</math> between the hours of 23:00 and 07:00, as measured and/or predicted at 1 m from the façade of the bedroom at noise sensitive properties adjoining the Site.</p>	<p>40. The free field Equivalent Continuous Noise Level (<math>L_{Aeq\ 1\ hour}</math>) shall not exceed 40 dB(A) <math>L_{Aeq\ 5min}</math> between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.</p> <p><b>Reason: In the interests of residential and local amenity and to comply with WLP policy W10E and BDLPR policy RLP62.</b></p>	
<p>39. Noise levels shall be monitored at three monthly intervals at up to five locations as agreed with the Mineral/Waste Planning Authority.</p>	<p>41. Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and <math>L_{Aeq}</math> noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods two during the working day 0700 and 1830 and two during the evening/night time, 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWMPF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.</p> <p><b>Reason: In the interests of amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
<p>40. For temporary operations, the free field noise level at sensitive properties shall not exceed 70 dB a <math>L_{Aeq, 1 \text{ hour}}</math> at noise sensitive properties adjoining the Site, due to operations on the Site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property.</p>	<p><b>42.</b> For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.</p> <p><b>In the interests of residential and local amenity and to comply with MLP policy MLP13.</b></p>	
<p><b>Lighting</b></p>		
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p><b>43.</b> No lighting for use during excavation of materials or construction of the IWWMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWWMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.</p> <p><b>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 &amp; RLP90.</b></p>	
<p>41. No external lighting shall be installed on-site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.</p>	<p><b>44.</b> No lighting for use during operation of the IWWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.</p> <p><b>Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 &amp; RLP90.</b></p>	
<p><b>Operations</b></p>		

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<p>42. No development shall commence until a detailing phasing scheme for the construction of the haul road, creation of the retaining wall and extraction of the minerals has been submitted for approval.</p>	<p><b>45.</b> No development shall commence until a detailed phasing scheme for the construction of the access road creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.</p> <p><b>Reason: To ensure control of the development and minimise the impact of the development on local amenity and the environment and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
<p>43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.</p>	<p><b>46.</b> No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.</p> <p><b>Reason: To minimise soil compaction and structural damage of the soil and to protect the soil resource and to comply with MLP policy MLP13 and WLP W10E.</b></p>	
<p>43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval.</p>	<p><b>47.</b> Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition <sup>3</sup> and no movement of soils shall take place:</p> <ul style="list-style-type: none"> <li>(a) During the months November to March (inclusive);</li> <li>(b) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or</li> <li>(c) When there are pools of water on the soil surface.</li> </ul> <p><sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.</p> <p><b>Reason: To minimise the structural damage and compaction of the soil and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	
<p>44. No processing other than dry screening of excavated sand and gravel shall take place within the Application Site.</p>	<p><b>48.</b> No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.</p> <p><b>Reason: To ensure that there are no adverse impacts on the local amenity from development not already assessed in the application details and to comply with MLP policy MLP10, MLP11, &amp; MLP13.</b></p>	

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
45. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded.	<p><b>49.</b> Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.</p> <p><b>Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy MLP13 and WLP policies W4B &amp; W10E.</b></p>	
46. Prior to commencement details of any permanent site perimeter fencing shall be submitted for approval.	<p><b>50.</b> Prior to the commencement of development details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.</p> <p><b>Reason: In the interest of the amenity of the local area and to comply with MLP policy MLP13, WLP policy W10E and BDLPR 78.</b></p>	
47. No development shall take place until details of external equipment required to control any fugitive dust from the handling/storage/processing of waste have been.	<p><b>51.</b> (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the site during excavation of materials and construction of the IWMF</p> <p>(b) No beneficial occupation of the IWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:</p> <p>(i) ; The suppression of dust caused by handling, storage and processing of waste; and</p> <p>(ii) Dust suppression on haul roads, including speed limits;</p> <p>In relation each scheme provision for monitoring and review.</p> <p>The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.</p> <p><b>Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP Policy MLP13 and WLP policy W10E.</b></p>	
48. Prior to the importation of waste details of external equipment required to prevent fugitive odour nuisance shall be submitted.	<p><b>52.</b> (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.</p> <p>(b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.</p> <p><b>Reason: In the interest of local amenity and to comply with MLP policy MLP13 and WLP policy W10E.</b></p>	

Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009	Proposed conditions	Comments by parties
<b>Ecology</b>		
52.If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the Site shall be carried out to update the information on the species and the impact of development and the report of survey together with an amended mitigation strategy as appropriate shall be submitted for approval.	<p><b>53.</b> Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.</p> <p><b>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 &amp; ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</b></p>	
50. No Development shall commence until a ecological management plan has been submitted to include management and mitigation measures with respect to GCNs, Bats, Badgers, protected bird species and other ecologically sensitive habitats and species and for proposed new habitats before and during construction and during operation of the development.	<p><b>54.</b> No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> <li>(i) Description and evaluation of the features to be managed;</li> <li>(ii) Ecological trends and constraints on site that may influence management;</li> <li>(iii) Aims and objectives of management;</li> <li>(iv) Appropriate management options for achieving aims and objectives;</li> <li>(v) Prescriptions for management actions;</li> <li>(vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);</li> <li>(vii) Personnel responsible for implementation of the plan; and</li> <li>(viii) Monitoring and remedial / contingencies measures triggered by monitoring.</li> </ul> <p>The development shall be implemented in accordance with the approved plan.</p> <p><b>Reason: To make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with RSS policies ENV1 &amp; ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.</b></p>	
53. No construction / demolition / excavation works or removal of hedgerows or trees shall be carried out on-site during the bird nesting season and only after an intensive nest search.	<p><b>55.</b> No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.</p> <p><b>Reason: To ensure that breeding birds are not disturbed by the removal of habitat or development and in accordance with MLP policy MLP13 and WLP policy W10E and BDLPR policy RLP84.</b></p>	
<b>Screening and Landscaping</b>		

<b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b>	<b>Proposed conditions</b>	<b>Comments by parties</b>
54. There shall only be one stack the CHP stack. The CHP stack shall not exceed 81 m AOD.	<p><b>56.</b> Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.</p> <p><b>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90</b></p>	
55. All landscaping and planting shall be undertaken during the first available planting season.	<p><b>57.</b> No development shall commence until details and a timetable for implementation for all bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season [October to March inclusive] following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.</p> <p><b>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 MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	
56. Any tree or shrub forming part of a planting scheme is damaged, diseased or removed within the period of the operations or 5 years after completion of the operations shall be replaced by the applicants during the next planting season.	<p><b>58.</b> Any tree or shrub forming part of the retained existing vegetation or the planting 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 construction of the IWMF shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.</p> <p><b>Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	
57. No development shall take place until details of tree retention and protection measures have been submitted.	<p><b>59.</b> No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.</p> <p><b>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	
58. No development until details for the protection and watering of trees adjacent to the retaining wall have been submitted and approved.	<p><b>60.</b> No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IWMF for the period of the excavation of materials and construction of the IWMF, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.</p> <p><b>Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP78.</b></p>	

<p><b>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</b></p>	<p><b>Proposed conditions</b></p>	<p><b>Comments by parties</b></p>
<p><b>Woodhouse Farm/Visitors/Education Centre</b></p>		
<p>59. No beneficial use shall take place of the visitor and education centre and/or waste management facility until the works to Woodhouse Farm (which require further permissions/consents) have been implemented.</p> <p>60. No development shall commence until details have been submitted of the detailed layout of the parking area adjacent to Woodhouse Farm including hard and soft landscaping details have been submitted for approval.</p> <p>61. No parking within the Woodhouse Farm complex shall take place until suitable vehicle restrictions have been submitted for approval and implemented to prevent access by HGVs except for specific deliveries to the complex.</p>	<p><b>61.</b> No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.</p> <p><b>Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90 and RLP100.</b></p>	
	<p><b>62.</b> Prior to commencement of development details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles have been submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.</p> <p><b>Reason: To ensure minimum impact on the safe movement of otters and voles and to comply with WLP policy W10E.</b></p>	
	<p><b>63.</b> Prior to commencement of development details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to "Stop" rather than "Give Way". The details shall be implemented as approved.</p> <p><b>Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E and BDLPR policy RLP87.</b></p>	



**Secretary of State's Decision Letter of 2 March 2010**

**Appendix I**

Mr David Watkins  
Linklaters LLP  
One Silk Street  
London  
EC2Y 8HQ

Our Ref: APP/Z1585/V/09/2104804

2 March 2010

Dear Mr Watkins,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.  
APPLICATION BY GENT FAIRHEAD & Co LIMITED  
RIVENHALL AIRFIELD, ESSEX, C5 9DF. APPLICATION REF: ESS/37/08/BTE.**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, M P Hill BSc MSc CEng MICE FGS, who held a public local inquiry which opened on 29 September into your client's application for an Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks, at Rivenhall Airfield, Essex, C5 9DF, in accordance with application reference ESS/37/08/BTE, dated 28 August 2008.

2. It was directed on 12 May 2009, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State instead of being dealt with by the relevant planning authority, Essex County Council because the proposals may conflict with national policies on important matters.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that planning permission be granted subject to conditions. For the reasons given below, the Secretary of State agrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Michael Taylor  
Decision Officer  
Planning Central Casework Division,  
Department for Communities and Local Government  
1/J1 Eland House  
Bressenden Place  
London, SW1E 5DU

Tel: [REDACTED]  
Email: PCC@communities.gsi.gov.uk

## **Procedural matters**

4. The Secretary of State notes that the applicants wished the proposal to be considered on the basis of a revised design. Like the Inspector, the Secretary of State does not consider that any prejudice has been caused to any party by accepting these amendments, and has determined the application on this basis (IR1.5).

5. In reaching his decision, the Secretary of State has taken into account the Environmental Information which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and comprises those documents set out by the Inspector at IR1.6. The Secretary of State considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

6. The Secretary of State notes that the Inspector closed the inquiry in writing on 2 November, having taken into account correspondence received after the last sitting day of the inquiry from the main parties in relation to representations from the Environment Agency (IR1.10). These matters have been dealt with by the Inspector in his report, and the Secretary of State has concluded on them later in this letter. Other correspondence unrelated to this matter was also received from 8 other parties after the last sitting day of the inquiry and the Secretary of State has carefully considered this. However, he does not consider that it raises any new issues which would either affect his decision, or require him to refer back to parties prior to reaching his decision. Copies of this correspondence are not attached to this letter but may be obtained on written request to the above address.

## **Policy Considerations**

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises those documents listed at IR3.2. The Secretary of State agrees with the Inspector that the main development plan policies relevant to this application are those set out in IR3.3-3.5.

8. Other material considerations include the national planning guidance listed at IR3.8 and those other documents listed at IR3.9. Circular 11/95, *Use of Conditions in Planning Permission*, and Circular 05/2005, *Planning Obligations* are also material considerations.

9. The Secretary of State has had special regard to the desirability of preserving nearby listed buildings and their settings, or any features of special architectural or historic interest which they possess, as required by sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the possible impact of the proposal on the Silver End Conservation Area, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of this area, as required by section 72 of the same Act.

10. Since the inquiry closed the Government has published PPS4: *Planning for Sustainable Economic Growth*. The policies in this document replace, amongst other things, certain relevant policies in PPS7: *Sustainable Development in Rural Areas*. However, the Secretary of State does not consider that there has been any material change in those policies to the extent that it would affect his decision or require him to refer back to parties for further representations prior to reaching his decision.

### **Main Issues**

11. The Secretary of State considers the main issues in this case are those set out by the Inspector at IR13.1.

#### Prevailing planning policy

12. The Secretary of State agrees with the Inspector's reasoning and conclusions on prevailing planning policy as set out in IR13.2-13.11. He agrees that the proposal is broadly consistent with the policies of the development plan, although it does not comply with all policies (IR13.10). He also agrees that the proposal is generally in accord with national guidance, including that contained in PPS1, PPS7, PPS10, PPG15, PPS22 and PPS23, albeit he accepts there is some conflict (IR13.11). These issues are considered further below.

#### The quality of the design and sustainability implications, and impact on character and appearance of the area

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the quality of design, sustainability, and impact on the character and appearance of the area as set out in IR13.12-13.31. He agrees that the design of the proposal would be of high quality (IR13.22), including, for example, the siting of the buildings below ground level and the green roof of the main buildings which would be colonised with mosses (IR13.13). He also agrees that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner (IR13.22), including the use of solid recovered fuel in the proposed CHP plant and the export of electricity to the National Grid, which would contribute to meeting the Government's Renewable Energy targets (IR13.19). He further agrees that the proposal would have some urbanising and detrimental impact on the semi-rural character and appearance of the area, for example as a result of the proposed stack, but that with the mitigation measures proposed the overall impact on the character and appearance of the area would be limited (IR13.31).

#### Consistency with PPS10

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on consistency with PPS10 as set out in IR13.32-13.40. He agrees that the proposal would help to deliver sustainable development by driving waste management up the waste hierarchy, and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. He also agrees that it would help to reduce carbon emissions and would have benefits in terms of climate change (IR13.40).

### Need, viability, flexibility and fallback position

15. The Secretary of State agrees with the Inspector's reasoning and conclusions on need, viability, flexibility and the fallback position as set out in IR13.41-13.65. He agrees that the proposal would help to satisfy a substantial and demonstrable need for municipal solid waste and/or commercial and industrial waste to be dealt with in Essex and for Essex County Council to meet challenging targets set out in the East of England Plan (IR13.51). In terms of viability, he agrees that there is no reason to doubt that the MDIP would be capable of competing with a similar facility sited at a paper mill and in this respect it is a viable proposal (IR13.54). On the fallback position, the Secretary of State agrees that there was a reasonable prospect of the recycling and composting facility for which planning permission has already been granted being implemented in the event that he had refused planning permission for the proposal before him (IR13.60). As for the flexibility of the proposal, the Secretary of State agrees that its design and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated (IR13.65).

### The effect on the living condition of local residents, including the risks to human health

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the effect on the living condition of local residents, including the risks to human health as set out in IR13.66-13.95. He agrees that air quality could be adequately controlled and there would be no noticeable emissions of dust or odour, but that there would be some minor detrimental impact on living conditions with respect to noise, impact on tranquillity, increase in light, and outlook. However, he is satisfied that the detrimental impacts would be relatively minor and would not be unacceptable (IR13.85). With respect to the risks to human health, the Secretary of State agrees with the Inspector that the plant could be operated without causing any material harm to human health, and that this matter would be adequately dealt with by the Environmental Permitting regime. Like the Inspector, he accepts that the concern of local residents regarding the risk to health would remain as a detrimental impact of the development (IR13.95).

### Highway safety and the free flow of traffic

17. For the reasons given in IR13.96-13.104, the Secretary of State agrees with the Inspector's conclusion that the proposed restriction on the number of HGV movements is reasonable and appropriate and that the development would not have an unacceptable impact on highway safety and the free flow of traffic on the road network (IR13.104).

### Impact on the local right of way network

18. For the reasons given in IR13.105-13.107, the Secretary of State agrees with the Inspector's conclusion that the impact on the right of way network would be detrimental, (for example, in terms of visual impact) but not to an unacceptable degree (IR13.107).

### Ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on ground and surface water; loss of agricultural land; and, habitats, wildlife and protected species, as set out in IR13.108-13.117. With regard to ground and surface water, the Secretary of State agrees that the proposal could be built and operated without causing harm to the River Blackwater or causing contamination to groundwater (IR13.109), and that any localised lowering of the water table as a result of excavations would have little impact on vegetation (IR13.110). On the loss of agricultural land, the Secretary of State agrees that the proposal would result in the loss of Grade 3a agricultural land, which represents a conflict with local and national planning policies (IR13.111). However, he also agrees that its loss is not an overriding issue (IR13.112). With respect to habitats, wildlife and protected species, the Secretary of State agrees with the Inspector that, taking into account the proposed management of existing and proposed water bodies, the creation and management of new habitats, and the planting of woodland and hedgerows, the overall bio-diversity of the area would be enhanced (IR13.117).

### The impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on the impact on listed buildings and the Silver End Conservation area, and the historic value of the airfield, as set out in IR13.118-13.125. He agrees that the scheme as a whole would preserve the settings, character and appearance of the listed buildings and of the conservation area (IR13.122 and 13.123). He also agrees that there is no justification for withholding planning permission at the site because of its historic value as an airfield (IR13.125).

### Other matters and mitigation measures

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on other matters and mitigation measures, as set out in IR13.126-13.129.

### Conditions and obligations

22. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions and obligations, as set out in IR13.131-13.162. On the specific matter of the Secretary of State's view on whether a taller stack would be acceptable, he agrees with the Inspector's opinion at IR13.159 that until a more thorough assessment is undertaken and the views of all those who may be affected by such a change in the proposal have been thoroughly canvassed, no firm conclusions can be reached, and that with regard to the existing proposals, condition 56 is appropriate.

23. The Secretary of State is satisfied that the recommended conditions are reasonable and necessary and meet the tests of Circular 11/95. He also considers that the s106 agreement is relevant to the proposal and would meet the tests contained Circular 05/2005.

## **Overall conclusion**

24. As set out above, the Secretary of State has identified some conflict with development plan policies, such as those brought about by the impact on the character and appearance of the area, impact on living conditions, and loss of Grade 3a agricultural land. However, he also considers that mitigation measures proposed would reduce this impact, and that they are not of such a magnitude as to refuse planning permission.

25. Those factors in favour of the proposal include that it would meet a need for the sustainable management of waste in line with PPS10, and would help to reduce carbon emissions. The proposal would also operate without causing any material harm to human health.

26. Having weighed up all relevant considerations, the Secretary of State concludes that the factors which weigh in favour of the proposed development outweigh its shortcomings and overcome the limited conflicts with the development plan which he has identified. Therefore he does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

## **Formal decision**

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for an Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks, in accordance with application number ESS/37/08/BTE dated 26 August 2008 (as amended) subject to the conditions listed in Annex A.

28. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

30. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

32. A copy of this letter has been sent to Essex County Council and all parties who appeared at the inquiry.

Yours sincerely

Michael Taylor  
Authorised by Secretary of State to sign in that behalf



## **Annex A – Planning Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.

2. The development hereby permitted shall only be carried out in accordance with drawing numbers:

1-1: Land Ownership & Proposed Site Plan

1-2: Proposed Planning Application Area

1-4: Access Road Details

1-5A: Typical Arrangement and Architectural Features of the eRCF

1-8: Schematic Arrangement of Woodhouse Farm

1-9: eRCF Simplified Process Flow

1-10: eRCF Integrated Process Flow

3-3: Site Plan Layout

3-8C: eRCF General Arrangement

3-12C: eRCF Detailed Cross-Sections

3-14A: eRCF Upper Lagoon & Wetland Shelf

3-16: Services Plan

3-19B: eRCF General Arrangement

8-6: Landscape Mitigation Measures

IT569/SK/06: Proposed Improvements to Site Access Road Junction with Church Road

IT569/SK/07: Proposed Improvements to Site Access Road Junction with Ash Lane

19-2B: Tree Survey

19-3B: The Constraints and Protection Plan

19-5: eRCF Base Plan Woodhouse Farm

3. The total number of Heavy Goods Vehicle (HGV<sup>1</sup>) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IW<sup>2</sup>) hereby permitted shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Friday);

202 movements 101 in and 101 out per day (Saturdays);

and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.

<sup>1</sup>An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.

<sup>2</sup> IW<sup>2</sup> shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

4. The total number of HGV vehicle movements associated with the construction of the IW<sup>2</sup> (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Sunday).

No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.

5. A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request . The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.

6. No development shall commence until full details of the extended access road and the layout of the cross-over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross-over points shall be implemented in accordance with the approved details.

7. No works on the construction of the IWFM shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

8. No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.

9. No vehicles shall park on the haul road between the A120 and Ash Lane.

10. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

11. No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.

12. No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.

13. No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 (which can be found in the S106 agreement)) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.

14. No development shall commence until details of the design of the stack serving the IWFM have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:

- (a) elevations, sections and plan views to appropriate scales and construction details;
- (b) samples of the finish of the stack to provide a mirrored reflective surface; and

(c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality of the surface of these materials.

The stack shall be constructed and maintained in accordance with the details approved

15. No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.

16. Not used

17. No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.

18. No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.

19. No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

20. No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.

21. No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.

22. No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.

23. No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

24. No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.

25. No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any remediation and mitigation identified.

26. The market de-inked paper pulp plant shall only source its heat steam and energy from the IWWMF with the exception of periods of start-up and maintenance and repair of the IWWMF.

27. No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.

28. (i) SRF shall be sourced internally from the IWWMF or within the administrative boundaries of Essex and Southend-on-Sea.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source SRF from these sources and there remains capacity within the IWWMF, then SRF arising from elsewhere within the East of England may be used up to the available capacity for a period up to three years from the date of the agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

29. No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.

30. (i) No more than 50% of the imported waste paper and card (based on a nominal imported tonnage of pre-sorted waste paper and card of 360,000 tpa) shall be sourced from outside the administrative boundaries of the East of England Region.

(ii) If the Waste Planning Authority is satisfied that the operator has used its reasonable endeavours to source 50% of the imported pre-sorted waste paper and card from within the East of England region, then the imported pre-sorted waste paper and card may be sourced from outside the East of England Region for a period of up to 5 years from the date of written agreement of the Waste Planning Authority.

(iii) No development shall commence until a scheme giving effect to the requirement of clause (i) above of this condition is submitted to and approved in writing by the Waste Planning Authority. The approved scheme shall be implemented as approved.

31. No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWWMF buildings and structures.

32. All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

33. No vehicle shall leave the IWMMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

34. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:  
07:00-18:30 hours Monday to Friday; and,  
07:00 -13:00 hours Saturdays;  
and shall not take place on Sundays, Bank and Public Holidays

except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

35. The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

36. No waste or processed materials shall be imported or exported from any part of the IWMMF other than between the following hours:  
07:00 and 18:30 hours Monday to Friday; and,  
07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays

except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

37. No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.

38. Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour ) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties  
Location Criterion  
dB L A eq 1 hour

Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47

Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

39. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

40. The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.

41. Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWMMF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

42. For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.

43. No lighting for use during excavation of materials or construction of the IWMMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWMMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

44. No lighting for use during operation of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

45. No development shall commence until a detailed phasing scheme for the construction of the access road for the creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

46. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.

47. Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition<sup>3</sup> and no movement of soils shall take place:

During the months November to March (inclusive);

(a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

(b) When there are pools of water on the soil surface.

<sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

48. No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

49. Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

50. Prior to the commencement of development, details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.

51. (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the

site during excavation of materials and construction of the IWMF

(b) No beneficial occupation of the IWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- (i) ; The suppression of dust caused by handling, storage and processing of waste; and
- (ii) Dust suppression on haul roads, including speed limits.

In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

52. (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.

(b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.

53. Prior to the commencement of development a further ecological survey of the Site shall be carried out to update the information contained within the Environmental Statement and the impact of the development assessed and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development, the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.

54. No development shall commence until a habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) has been submitted to and approved in writing by the Waste Planning Authority. The plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Ecological trends and constraints on site that may influence management;
- (iii) Aims and objectives of management;
- (iv) Appropriate management options for achieving aims and objectives;
- (v) Prescriptions for management actions;
- (vi) Preparation of a work schedule (including a 5 yr project register, an annual work plan and the means by which the plan will be rolled forward annually);
- (vii) Personnel responsible for implementation of the plan; and,
- (viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The development shall be implemented in accordance with the approved plan.

55. No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.

56. Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.

57. No development shall commence until details and a timetable for implementation for all



bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.

58. Any tree or shrub forming part of the retained existing vegetation or the planting 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 construction of the IW MF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

59. No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.

60. No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IW MF for the period of the excavation of materials and construction of the IW MF, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.

61. No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.

62. Prior to commencement of development, details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles, shall be submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.

63. Prior to commencement of development, details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to "Stop" rather than "Give Way". The details shall be implemented as approved.

## Glossary of abbreviations

BCS	Braintree District Council Local Development Framework Core Strategy 2011
BDC	Braintree District Council
BDLPR	Braintree District Local Plan Review 2005
C & I	Commercial and Industrial waste
CHP	Combined Heat and Power
EA	Environment Agency
EHO	Environmental Health Officer
EIA	Environment Impact Assessment
eRCF	evolution Recycling and Composting Facility (at Rivenhall airfield)
ES	Environmental Statement
EU	European Union
DEFRA	Department of Environment & Rural Affairs
GCN	Great Crested Newts
HGV	Heavy Goods Vehicle
<b>IVC</b>	IN-Vessel Composting
IWMF	Integrated Waste Management Facility
IWMF	Integrated Waste Management Facility
LACW	Local Authority Collected Waste
MBT	Mechanical Biological Treatment
MDIP	Market De-Ink Plant
MLP	Minerals Local Plan 2014
MRF	Materials Recycling facility
MW	Mega Watts
NCV	Net Calorific Value
NPPF	National Planning Policy Framework
NPPW	National Planning Policy on Waste 2014
NPS	The National Policy Statement
NWMPE	National Waste Management Plan for England
PPS10	Planning Policy Statement 10
PRoW	Public rights of way
RCF	Recycling & Composting facility
RDF	Refuse Derived Fuel
RSS	the Regional Spatial Strategy
RWLP	Pre-Submission draft Replacement Waste Local Plan
SRF	Solid Recovered Fuel
SoS	Secretary of State

TPO	Tree Preservation Order
WDA	Waste Disposal Authority
WLP	Essex and Southend Waste Local Plan adopted 2001
WPA	Waste Planning Authority
MSW	Municipal Solid Waste
WWTP	Waste Water Treatment Plant



ESSEX COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**  
**Town and Country Planning (Development Management Procedure) (England)**  
**Order 2010**

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

**Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 (Signage, Telecommunications & Lighting at Woodhouse Farm complex), 14 (Stack design and finishes), 15 (design details and construction materials), 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing – temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping – bunding & planting), 59 (trees, shrubs and hedgerows – retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points – lining and signing)**

Location: **Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF**

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

- 1 The development hereby permitted shall be begun before the 2 March 2016. The date of commencement of the development shall be notified in writing to the Waste Planning Authority within 7 days of commencement.

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

- 2 The development hereby permitted shall only be carried out in accordance with planning application ECC ref ESS/37/08/BTE (PINS Ref. APP/Z1585/V/09/2104804) dated 26 August 2008 (as amended) and

As amended by Non-Material Amendment application reference ESS/37/08/BTE/NMA2 dated 4 September 2012, accompanied by letter from Berwin Leighton Paisner dated 29 August 2012 and email dated 18 September 2012 as approved by the Waste Planning Authority on 25 October 2012.

and

As amended by planning application reference ESS/44/14/BTE dated 5 August 2014, accompanied by letter from Holmes & Hills dated 5 August 2014, report entitled "Business development since obtaining planning permission" dated August 2014, report "Changes in the Case for Need since September 2009" dated August 2014 and letters from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014 and granted by the Waste Planning Authority on 4 December 2014.

and

As amended by planning application reference ESS/55/14/BTE dated 12 December 2014, accompanied by letter from Holmes & Hills LLP dated 12 December 2014, SLR report "Justification for Removal of Fuel Sourcing Conditions" Rev 4" dated December 2014 and letter from Honace dated 5 August 2014 and Golder Associates dated 4 August 2014.

And

As amended by planning application reference ESS/34/15/BTE dated 4 August 2015 and drawing numbers:

<b>Drawing Ref</b>	<b>Title</b>	<b>Dated</b>
1-1A	Land Ownership & Proposed Site Plan	21/12/15
1-2B	Proposed Planning Application Area and Site Plan	21/05/15
1-5B	Typical Arrangement and Architectural Features	21/05/15
1-8	Schematic Arrangement of Woodhouse Farm	21/05/15
1-9A	Simplified Process Flow	21/05/15
1-10A	Integrated Process Flow	21/05/15
3-3B	Site Plan Layout	21/05/15
3-8E	Building and Process Cross Sections	Dec 2015
3-12E	Building and Process Layout and Cross Sections	Dec 2015

3-14B	Upper Lagoon & Wetland Shelf	18/12/14
3-16	Services Plan	21/05/15
3-19D	General Arrangement & Front Elevation	Dec 2015
8-6A	Landscape Mitigation Measures	21/05/15
IT569/SK/06 A	Proposed Improvements to Site Access Road Junction with Church Road	05/08/08
IT569/SK/07 A	Proposed Improvements to Site Access Road Junction with Ash Lane	05/08/08
19-2C	Tree Survey	21/05/15
19-3C	The Constraints and Protection Plan	21/05/15
19-5A	Base Plan Woodhouse Farm	21/05/15
IWMF RP 01	IWMF Roof Layout Plan	24/12/15

And in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority and except as varied by the following conditions:

*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 drawings, details (except as varied by other conditions), to ensure that the development is carried out with the minimum harm to the local environment and in accordance with MLP policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, WLP policies W3A, W4A, W4B, W4C, W7A, W7C, W7G, W8A, W10B, W10E, W10F and W10G, BCS policies CS5, CS7, CS8 and CS9 and BDLPR policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106.*

- 3 The total number of Heavy Goods Vehicle (HGV<sup>1</sup>) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IWMF<sup>2</sup>) hereby permitted shall not exceed the following limits:

404 movements 202 in and 202 out per day (Monday to Friday);  
202 movements 101 in and 101 out per day (Saturdays);

and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.

<sup>1</sup> An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more

<sup>2</sup>IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 90.*

- 4 The total number of HGV vehicle movements associated with the construction of the IWMF (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:  
404 movements 202 in and 202 out per day (Monday to Sunday).  
No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 90.*

- 5 A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36, RLP62 and RLP 90.*

- 6 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the extended access road and crossing points with Public Right of Way. The approved details include the application for approval of details reserved by condition dated 4 August 2015 and include the following drawings:

Drawing Ref	Title	Date
IT569/PAA/01A	Horizontal & vertical alignment of extended access road Sheet 1	18/11/15
IT569/PAA/02C	Horizontal & vertical alignment of extended access road Sheet 2	18/11/15
IT569/PAA/03	Extended access road cross sections, Sheet 1	14/05/15
IT569/PAA/04	Extended access road cross sections, Sheet 2	14/05/15
IT569/PAA/05	Extended access road cross sections, Sheet 3	14/05/15
IT569/PAA/06	Extended access road cross sections, Sheet 4	14/05/15
IT569/PAA/07A	Extended access road cross sections, Sheet 5	14/07/15
IT569/PAA/08	Typical drainage details	May 2015



IT569/PAA/09	Typical access road detailed cross sections	May 2015
IT569/PAA/10	Drainage long section detail, Sheet 1	May 2015
IT569/PAA/11	Drainage long section detail, Sheet 2	May 2015
142064-DC-GA-C-116 C	Access road longitudinal section	17/12/15
142064-DC-GA-C-117	Access road cross sections	Jun 2015
IT569_WR_01_Rev A	Widening details for access road between Church Road and Ash lane	15/05/2015
IT569/S278_01G	Footpath crossing typical detail	12/11/15

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49 and RLP 90.*

- 7 No works on the construction of the IWMF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.

*Reason: In the interests of highway and pedestrian safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36 RLP 49 and RLP 90.*

- 8 No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49 and RLP 90.*

- 9 No vehicles shall park on the haul road between the A120 and Ash Lane.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1, S10 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49 and RLP 90.*

- 10 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme and programme of archaeological investigation and recording approved on 16 February 2016 under condition 10 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Project Design for Archaeological Monitoring & Recording dated November 2014 by Archaeology South-East

- Figure 2 Integrated Waste Management Facility (IWMF) Areas 1-3 – Archaeological mitigation strategy.

Upon completion of the archaeological field work, the investigations shall be written up in a report and submitted for approval in writing by the Waste Planning Authority.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and BDLPR policies RLP105 and RLP 106.*

- 11 The development shall be implemented in accordance with approved details with respect to the recording of the airfield buildings/structures. The record of airfield buildings/structures was approved on 16 February 2016 under condition 11 of planning permission ESS/55/14/BTE. The approved details include application for approval of details reserved by condition dated 4 August 2015 and the following document “Type T2 Aircraft Hanger at Woodhouse Farm & Other WWII structures at Rivenhall Airfield – Historic Building Records dated December 2010.

*Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to comply with MLP policies S10 and DM1, WLP policy W10E and in accordance with the NPPF.*

- 12 No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to protect the setting of the Woodhouse Farm Listed Buildings and in accordance with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS5, CS8 and CS9 and BDLPR policies RLP 80, RLP 84 and RLP 100.*

- 13 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 [which can be found in the S106 legal agreement dated 30 October 2009 associated with ESS/37/08/BTE]). The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings & documents:

Drawing Ref.	Title	Dated
135	Site plan & signage proposals	Jul 2015
	APC Communications solutions – Internet & voice solutions V2	14/07/15
	Pell Frischmann – Exterior lighting design	23/07/15
DW40019H001/P1	Proposed lighting layout	22/07/2015
CW40019H001	Proposed lighting to car parking and pedestrian areas	23/07/2015
	The Pharos LED bollard – Urbis Schreder	
	The Axia (the Green light) - Schreder	

The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.

*Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies, W8A W10B and W10E, BCS policy CS9 and BDLPR policies RLP 36, RLP 65, RLP 90 and RLP 100.*

- 14 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the design and maintenance of the stack. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and specifications:

Drawing Ref.	Title	Dated
LA01A	Chimney stack top cladding details plan & elevations	23/07/15
LA02A	Chimney stack top cladding details fixing details	23/07/15
	Alucobond reflect- technical data sheet	
	Alucobond – cleaning & maintenance of stove-lacquered surfaces	
	Genie – Self-propelled telescopic booms - specifications	
	Genie – Self-propelled telescopic booms - features	

The stack shall be constructed and maintained in accordance with the approved details throughout the life of the IWMF.

*Reason: In the interest of visual amenity and to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5, BDLPR policies RLP 36, RLP 65 and RLP 90.*

- 15 Prior to construction of the IWMF buildings or the structures to the rear of the main building details of the IWMF buildings and structures including the

design and samples of the external construction materials, colours and finishes of the external cladding of the, and design and operation of the vehicle entry and exit doors, shall be submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved.

*Reason: For the avoidance of doubt, in the interests of visual and landscape amenity and to comply with WLP policies W8A, W10B, W10E and BCS policy CS5 and BDLPR policy RLP 90.*

16 (Intentionally blank)

17 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the management plan for the CHP plant to ensure there is no visible plume from the stack. . The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and documents referenced

- S1552-0700-0008RSF entitled “CHP Management Plan for Plume Abatement” Issue no. 5 dated 16/02/16 by Fichtner
- S1552-0700-0013RSF entitled “Plume Visibility Analysis” both by Fichtner.

The development shall be implemented in accordance with the approved details.

*Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A, W10B and W10E and BCS policy CS5 and BDLPR policies RLP 36, RLP 65 and RLP 90.*

18 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the green roof for the main IWFMF building. The approved details include the application for approval of details reserved by condition dated 4 August 2015, statement by Honace “Condition 18 Green Roof” and document entitled “Bauder extensive biodiverse vegetation (XF301)”. The green roof shall be implemented in accordance with the details approved.

*Reason: In the interests of visual and landscape amenity and enhancement of ecological biodiversity and to comply with WLP policies W8A, W10B and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 84 and RLP 90.*

19 No works to install process equipment or plant within the IWFMF shall commence until details of the IWFMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.

*Reason: To ensure the layout and configuration of the process equipment and plant would not give rise to impacts not assessed as part of the application and Environmental Statement and to protect local amenity and to comply with WLP policies W8A, W10B and W10E, BCS policy CS5 and*

*BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 20 The development hereby permitted shall be implemented in accordance with the details submitted with respect to construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF. The approved details include the application for approval of details reserved by condition dated 4 August 2015 and as set out on drawing CCE-HZI-50043049 Rev 0.3 dated 17/12/15. .

*Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A, W10B, W10E and BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 65, RLP 80 and RLP 90.*

- 21 No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.

*Reason: In the interest of visual amenity, to protect biodiversity and the countryside and to comply with WLP policies W8A, W10B, W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 65, RLP 80, RLP 84 and RLP 90.*

- 22 The development hereby permitted shall be implemented in accordance with the details submitted with respect to foul water management. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing Ref	Title	Dated
142064-DC-GA-C-108G	Proposed drainage layout Sheet 1 of 2	16/10/15
142064-DC-GA-C-109G	Proposed drainage layout Sheet 2 of 2	16/10/15
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

And email from Honace with enclosures dated 22/01/16 (17:13).

The foul water management scheme shall be implemented in accordance with the details.

*Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B,*

W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 71 and RLP 72.

- 23 The development hereby permitted shall be implemented in accordance with the details submitted with respect to surface water drainage and ground water management. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing Ref	Title	Dated
142064-DC-GA-C-108G	Proposed drainage layout Sheet 1 of 2	16/10/15
142064-DC-GA-C-109G	Proposed drainage layout Sheet 2 of 2	16/10/15
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

And email from Honace with enclosures dated 22/01/16 (17:13).

The surface water drainage and ground water management scheme shall be implemented in accordance with the approved details.

*Reason: To minimise the risk of pollution on ground and surface water, to minimise the risk of flooding and to comply with WLP policies W4A, W4B, W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 71, RLP 72 and RLP90.*

- 24 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme of ground water monitoring. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings and documents:

Drawing ref	Title	Dated
SOD-24 Rev A	Ground water borehole monitoring points	29/07/15
6-4	Groundwater Monitoring points	12/05/11
13 Rev A	Ground water Monitoring points	20/03/14
213033-150	As-built borehole locations	17/09/14
142064-DC-GA-C-111A	Drainage Construction details	30/06/15

- Appendix A – Bradwell Quarry Groundwater Monitoring plots Jan 2008 to Jul 2015
- CC Ground Investigations Ltd – Key to exploratory hole logs
- CC Ground Investigations Ltd – Rotary borehole log for borehole nos. BH10 (sheets 1 to 4) dated 2014, BH11 (sheets 1 to 6) dated 2014, BH19 (sheets 1 to 4) dated 2014,
- Email from Honace dated 11/02/16 (09:19)
- Email from Honace dated 11/02/16 (13:59)

*Reason: To minimise the risk of pollution to ground and surface water and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 71 and RLP 72.*

25 The development hereby permitted shall be implemented in accordance with the details submitted with respect to land contamination and land remediation and mitigation measures where contamination is identified approved on 16 February 2016 under condition 25 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 25 – Contaminated Land by Honace
- Rivenhall – Record Site Plan & Schedule of buildings
- Analytical Report Number : 14-59380 dated September 2014 by i2 Analytical Ltd
- Drawing no. 213033-150 As-Built Borehole Locations dated 14 July 2014

*Reason: To minimise the risk of pollution to ground and surface water, to minimise the risk of flooding and to comply with MLP policies MLP S1, S10 and DM1, WLP policies W4A, W4B, W8A and W10E and BDLPR policies RLP 36, RLP 62, RLP 64, RLP 71 and RLP 72.*

26 The market de-inked paper pulp plant shall only source its heat steam and energy from the IWMF with the exception of periods of start-up and maintenance and repair of the IWMF.

*Reason: To ensure the market de-inked paper pulp plant only remains at the site as a direct consequence of its co-location with the IWMF and to protect the countryside from inappropriate development and to comply with WLP policies W8A and W7G and BCS policy CS5.*

27 No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.

*Reason: In the interests of the environment by assisting the Essex and Southend-on-Sea waste planning authorities to become self-sufficient for managing the equivalent of the waste arising in their administrative areas, ensuring that the waste is transported in accordance with the proximity principle, minimising pollution and minimising the impact upon the local environment and amenity and to comply with WLP policies W3A, W3C and W10E.*

28 *(Intentionally blank)*

29 No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.

*Reason: To ensure the scale of the facility would not give rise to impacts not assessed as part of the planning application and Environmental Statement and to protect local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.*

30 *(Intentionally blank)*

31 No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.

*Reason: To ensure minimum disturbance from operations, to avoid nuisance to local amenity and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.*

32 All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

*Reason: To ensure minimum nuisance from operations on local amenity, particularly litter and odour and to comply with WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.*

33 No vehicle shall leave the IWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with WLP policies W3A, W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 90.*

34 No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:

07:00-18:30 hours Monday to Friday; and,

07:00 -13:00 hours Saturdays;

and shall not take place on Sundays, Bank and Public Holidays except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.



*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 35 The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies S1, S10 and DM1, WLP policies W10E and W10F and BDLPR policies RLP 36 RLP 62 and RLP 90.*

- 36 No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours:  
07:00 and 18:30 hours Monday to Friday; and,  
07:00 and 13:00 hours on Saturdays,  
and not on Sundays, Public or Bank Holidays except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with WLP policies W10E and W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 37 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the signage for Public Rights of Way where they cross the access road. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawing no. IT569/S278\_01G entitled "Footpath crossing typical detail" dated 12/11/15. The signage for Public Rights of Way implemented in accordance with the approved details and shall be maintained throughout the life of the IWMF.

*Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with MLP policies S1, DM1, WLP policies W3A, W4C, W8A, W10E and W10G and BDLPR policies RLP 36, RLP 49, RLP 62 and RLP 90*

- 38 Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour ) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties Location	Criterion dB LAeq 1 hour
Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	47
The Lodge	49
Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47
Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

*Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 39 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1 hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

*Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 40 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.

*Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 41 Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise

which control the noise climate. The survey shall be for four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority. After the first year of operation of the IWMF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

*Reason: In the interests of residential and local amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 42 For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.

*Reason: In the interests of amenity and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 43 The development hereby permitted shall be implemented in accordance with the details submitted with respect to lighting. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 43 Construction lighting By Honace
- Hilcare Ltd – Project P118536R2a – Reschemed scheme as a flat open area using 6m columns and the specified number of flood lights dated 03/08/2015 including with data sheets, light locations and light level calculations

The lighting shall be erected, installed and operated in accordance with the approved details throughout the life of the IWMF. The lighting details with respect to excavation of materials shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. No lighting for construction of the IWMF shall be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting shall be maintained such that no lighting shall exceed 5 lux maintained average luminance.

*Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity and in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, RLP 65 and RLP 90.*

- 44 No lighting for use during operation of the IW MF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

*Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, RLP 65 and RLP 90.*

- 45 The development hereby permitted shall be implemented in accordance with the details submitted with respect to phasing of the construction of the access road, creation of the retaining structures around the site of the IW MF and extraction of the minerals. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing Ref	Title	Dated
IT569_PAA_12	Access Road construction phasing	Jul 2015
142064-DC-GA-C-118 B	Proposed earthworks sequencing	25/01/16

*Reason: In the interests of residential and local amenity and protection of the environment and in the interest of protecting biodiversity, in the interests of highway safety and to comply with MLP policies S1, S10, S12, DM1, WLP policies W3A, W8A, W10E and W10F, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, RLP 65 and RLP 90.*

- 46 The development hereby permitted shall be implemented in accordance with the details submitted with respect to soil handling, soil storage and machine movements and the end use of soils as approved on 16 February 2016 under condition 46 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 46 – Soil Handling by Honace
- Figure 5-1 Agricultural land classification – Rivenhall Airfield RCF

dated 10 July 2006

- Figure 5-2 Soil types – Rivenhall Airfield RCF dated 10 July 2006
- Drawing no. 5-4 Agricultural Land Classification – Site A2 Bradwell Quarry dated 11 May 2011
- Drawing 5-5 Soil types – Site A2 Bradwell Quarry dated 11 May 2011

*Reason: To minimise structural damage and compaction of the soil and ensure sustainable use of surplus soils and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.*

- 47 Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition<sup>3</sup> and no movement of soils shall take place:

During the months November to March (inclusive);

(a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

(b) When there are pools of water on the soil surface.

<sup>3</sup> The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

*Reason: To minimise structural damage and compaction of the soil and to aid in the restoration and planting of the site and to comply with MLP policies S1, S10 and DM1 and WLP policies W3A and W10E.*

- 48 No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

*Reason: To ensure that there are no adverse impacts on local amenity from the development not previously assessed in the planning application and Environmental Statement and to comply with MLP policies S1, S10, DM1 and DM3, WLP policies W3A, W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 49 Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill,

draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

*Reason: To minimise the risk of pollution to water courses and aquifers and to comply with MLP policies S1, S10 and DM1, WLP policies W3A, W4A, W4B, W8A, and W10E and BDLPR policies RLP 36 and RLP 62.*

- 50 The development hereby permitted shall be implemented in accordance with the details submitted with respect to temporary and permanent site perimeter fencing. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the drawings and documents

Drawing Ref	Title	Dated
CCE-HZI-500430049 Rev 0.3	Construction site layout	17/12/2015
732.1/08A HDA D1	Rabbit proof fence detail	Jun 2015
732.1/10A HDA D3	Tree protection fencing – BS 5837:2012	Jul 2015

- Condition 50 Temporary & permanent fencing by Honace
- Jacksons – Securi Mesh 358 Mesh – welded mesh panels
- Jacksons – Securi Mesh Gates – welded mesh panel

The temporary and permanent fencing and gates shall be erected in accordance with the details approved and maintained throughout the life of the IWWMF.

*Reason: In the interest of visual amenity, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policy W10E and BCS policies CS5 and BDLPR policies RLP 36, RLP 65 and RLP 90.*

- 51 (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to a scheme and programme of measures for the suppression of dust as approved on 16 February 2016 under condition 51a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Condition 51a – Dust minimisation scheme by Honace
- Construction dust – HSE Information Sheet no. 36 (revision 2)

(b) No beneficial occupation of the IWWMF shall commence until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- (i) The suppression of dust caused by handling, storage and processing of waste; and
  - (ii) Dust suppression on haul roads, including speed limits.
- In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies S1, S10, DM1, WLP policies W3A, W8A and W10E and BDLPR policies RLP 36, RLP 62 and RLP 90.*

52 (a) The development hereby permitted shall be implemented in accordance with the details submitted with respect to measures to control fugitive odour from the excavation of materials and construction of the IWFM as approved on 16 February 2016 under condition 52a of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following document "Condition 52a – Odour minimisation scheme by Honace"

(b) No beneficial occupation of the IWFM shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.

*Reason: In the interests of local amenity and to comply with WLP policies W3A, W8A and W10E and BDLPR policies RLP 36, RLP 62 and RLP 90.*

53 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the ecological information and mitigation. The approved ecological information and mitigation includes the following:

Ecological information approved on 27 July 2011 in accordance with condition 53 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE). The details approved included letter dated 19 May 2011 from Golder Associates with accompanying application form and Ecology report dated October 2010.

The application for approval of details reserved by condition dated 4 August 2015 and the information contained within the Ecological report by Green Environmental Consultants dated July 2015 and Appendix 7-1 Baseline ecology report August 2008.

Ecological mitigation shall be carried out in accordance with the approved details throughout the life of the IWFM.

*Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 81 and RLP 84.*

- 54 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the habitat management plan. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the “Habitat Management Plan – revised July 2015 – report number 499/10” by Green Environmental Consultants and appendices A to E.

The development shall be implemented in accordance with the approved habitat management plan throughout the life of the IWMF.

*Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 81 and RLP 84.*

- 55 No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc. should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.

*Reason: To make appropriate provision for conserving and enhancing the natural environment, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policies RLP 80, RLP 81 and RLP 84.*

- 56 Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.

*Reason: In the interest of visual amenity, to protect the countryside and to comply with WLP policies W8A and W10E, BCS policy CS5 and BDLPR policies RLP 36, RLP 65 and RLP 90.*

- 57 The development hereby permitted shall be implemented in accordance with the details submitted with respect to bunding and planting. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings

Drawing Ref	Title	Dated
732.1_07B HDA SA1	Soft landscape proposals site access	Jun 2015
732.1_02G HDA SL1	Soft landscape proposals sheet 1 of 5	18/12/15
732.1_03G HDA SL2	Soft landscape proposals sheet 2 of 5	18/12/15
732.1_04G HDA SL3	Soft landscape proposals sheet 3 of 5	18/12/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
732.1_06G HDA SL5	Soft landscape proposals sheet 5 of 5	18/12/15
732.1_09 HDA D2	Standard tree pit detail	Jun 2015



*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, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62, and RLP 90.*

- 58 Any tree or shrub forming part of the retained existing vegetation or the planting 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 construction of the IWMF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

*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, to protect the countryside and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 36, RLP 62 and RLP 90.*

- 59 The development hereby permitted shall be implemented in accordance with the details submitted with respect to tree retention and protection measures. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing Ref	Title	Dated
732.1_07B HDA SA1	Soft landscape proposals site access	Jun 2015
732.1_02G HDA SL1	Soft landscape proposals sheet 1 of 5	18/12/15
732.1_03G HDA SL2	Soft landscape proposals sheet 2 of 5	18/12/15
732.1_04G HDA SL3	Soft landscape proposals sheet 3 of 5	18/12/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
732.1_06G HDA SL5	Soft landscape proposals sheet 5 of 5	18/12/15
732.1_10A HDA D3	Tree protection fencing	Jul 2015
732.1_08A HDA D3	Rabbit proof fence detail	Jun 2015

The tree protection measures shall be implemented at the time of planting and maintained throughout the life of the IWMF.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 80, RLP 81 and RLP 90.*

- 60 The development hereby permitted shall be implemented in accordance with the details submitted with respect to management and watering of trees adjacent to the retaining wall surrounding the IWMF. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the statement by HDA entitled "Rivenhall

Integrated Waste Management Facility – Condition 60” dated 8 June 2015. The management and watering shall be carried out in accordance with the approved details throughout the life of the IWMF.

*Reason: In the interest of visual amenity, to ensure protection for the existing natural environment, including adjacent TPO woodland and to comply with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policies CS5 and CS8 and BDLPR policies RLP 80, RLP 81 and RLP 90.*

- 61 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the layout of parking area including hard and soft landscaping and lighting adjacent to Woodhouse Farm. The approved details include: the application for approval of details reserved by condition dated 4 August 2015, the Statement by Honace entitled “Condition 61 Woodhouse Farm Parking & Lighting” and the followings drawings:

<b>Drawing ref</b>	<b>Title</b>	<b>Dated</b>
IT569/CP/01 Rev B	Woodhouse car park layout and typical details	21/07/15
732.1_05G HDA SL4	Soft landscape proposals sheet 4 of 5	18/12/15
DW40019H001 Rev p1	Proposed lighting layout	22/07/15

The parking, lighting and landscaping shall be maintained in accordance with the details approved throughout the life of the IWMF.

*Reason: To protect the setting of the Listed Buildings and in the interest of visual amenity and to comply with MLP policy DM1, WLP policies W8A and W10E, BCS policy CS9 and BDLPR policies RLP 36, RLP 65, RLP 90 and RLP 100.*

- 62 The development hereby permitted shall be implemented in accordance with the details submitted with respect to traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater. The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

<b>Drawing Ref</b>	<b>Title</b>	<b>Dated</b>
IT569_S278_01G	Footpath crossing typical detail	12/11/15
IT569_S278_02C	Vole and otter crossing	24/07/2015
SignPlot v3.10	“Vole and otter crossing” sign	

The traffic calming measures shall be maintained throughout the life of the IWMF in accordance with the approved details.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies S10 and DM1, WLP policies W8A and W10E, BCS policy CS8 and BDLPR policy RLP 84.*

63 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the lining and signing of the crossing points of the access road with Church Road and Ash Lane. . The approved details include: the application for approval of details reserved by condition dated 4 August 2015 and the following drawings:

Drawing ref	Title	Dated
IT569/S278/03 C	Proposed improvements to site access road junction with Church Road	June 2015
IT569/S278/04 C	Proposed improvements to site access road junction with Ash Lane	June 2015
SignPlot v3.10	“Heavy Plant crossing” sign	
SignPlot v3.10	“Stop” sign	
SignPlot v3.10	Priority sign	

The lining and signing shall be maintained in accordance with the approved details throughout the life of the IWMF.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S1 and DM1, WLP policies W4C, W8A, W10E and W10G and BDLPR policies RLP 36 and RLP 49.*

64 The development hereby permitted shall be implemented in accordance with the details submitted with respect to the scheme and programme of historic building recording for Woodhouse Farm and buildings (including Bakehouse & pump) approved on 16 February 2016 under condition 64 of planning permission ESS/55/14/BTE. The approved details include: application for approval of details reserved by condition dated 4 August 2015 and the following documents:

- Brief for Historic Building Recording at Woodhouse Farm, Kelvedon by Place Services.
- Written Scheme of Investigation Historic Building Recording at Woodhouse Farm ASE Project 8293
- Figure 2 Location of buildings to be recorded at Woodhouse Farm, IWMF, Rivenhall dated Feb 2015

The written scheme and programme of historic building recording shall be implemented prior to the commencement of any demolition, works or conversion of any kind taking place at Woodhouse Farm and buildings as part of this permission. Upon completion of the programme of historic building recording, the recordings shall be written up in a report and submitted for approval in writing by the Waste Planning Authority.

*Reason: To ensure that any heritage interest has been adequately investigated and recorded prior to the development taking place and to*

*comply with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS9 and BDLPR policy RLP 100 and the NPPF.*

- 65 There shall be no use of the access road from the A120 to the IWMF except by traffic associated with the IWMF, Bradwell Quarry or to access agricultural land for agricultural purposes.

*Reason: In the interests of highway safety, as traffic movements above those associated with the IWMF, Bradwell Quarry and existing agricultural movements would need to be considered afresh and to comply with MLP policies S1 and DM1, WLP policies W4C, W8A and W10E and BDLPR policies RLP 36 and RLP 54.*

- 66 In the event that the IWMF is not brought into beneficial use within 5 years of commencement of the development (as notified under condition 1) the operator shall within 6 months of the end of the 5 year period submit a plan of action for an alternative use or a scheme of rehabilitation for the site for approval by the Waste Planning Authority. The plan of action for an alternative use or scheme of rehabilitation shall be implemented within 6 months of approval by the Waste Planning Authority.

*Reason: To ensure that if the development of the IWMF is not progressed to a beneficial use within a reasonable period, that the site is either planned for an alternative use or the site rehabilitated in the interests, of minimising the adverse environment impacts of incomplete implementation and in accordance with WLP W8A, W10E and MLP DM1 and BCS policies CS5 and CS8.*

- 67 No clearance works within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 [which can be found in the S106 legal agreement dated 30 October 2009 associated with ESS/37/08/BTE]) shall be undertaken until the Waste Planning Authority has been provided with a copy of a licence issued by Natural England pursuant to Regulation 53 of the Conservation and Species Regulations 2010, giving authorisation for the works.

*Reason: In the interests of protection of protected bat species and in accordance with MLP policies S10 and DM1, WLP policies W10E, BCS policy CS8 and BDLPR policy RLP 84.*

- 68 Within 6 years of the date of commencement of development as notified under condition 1, Woodhouse Farm and buildings shall be refurbished to a visitor and education centre.

*Reason: To ensure the timely refurbishment of the Listed Buildings and their being brought into beneficial in order to protect thee heritage assets and to comply with MLP policies S10 and DM1, WLP policy W10E, BCS policy CS9 and BDLPR policy RLP 100 and the NPPF.*

- 69 Following the approval of details required by condition 19 and prior to the installation of process equipment and plant, an updated noise assessment shall be undertaken and submitted to the Waste Planning Authority for approval to demonstrate that the maximum noise levels set out in condition 38 would not be exceeded. Installation of process equipment and plant for the IWMF shall not commence until the updated noise assessment has been approved by the Waste Planning Authority.

*Reason: In the interests of residential and local amenity and to comply with WLP policies W3A, W8A, W10E, W10F and BDLPR policies RLP 36, RLP 62 and RLP 90.*

## **INFORMATIVES**

- This planning permission is subject to a legal agreement
- Reference to Solid Recovered Fuel (SRF) for the purposes of this planning permission is considered to be the same as Refuse Derived Fuel (RDF)
- The material used to surface the haul road would preferably be hot rolled asphalt.

## **Reason for Approval**

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

### **Essex & Southend Waste Local Plan (WLP) adopted 2001**

W3A - Waste Strategy  
W3C - Receipt of Essex wastes only  
W4A - Flooding and surface water  
W4B - Surface & ground water  
W4C - Highways  
W7A - Composting within buildings  
W7C - Support for anaerobic digestion and composting  
W7G - Energy from waste incineration  
W8A - Preferred locations for waste management  
W10E - Development control criteria  
W10F - Hours of working  
W10G - Safeguarding/improvements to Rights of Way

### **Minerals Local Plan (MLP) adopted 2014**

P1 - Preferred and reserve sites for sand and gravel extraction  
S1 - Presumption in favour of sustainable development/ Sustainable development locations  
S10 - Protecting and enhancing the environment and local amenity

S11 - Access and transportation  
S12 - Mineral site restoration and afteruse  
DM1 - Development management criteria  
DM2 - Planning conditions and legal agreements  
DM3 - Primary processing plant

**Braintree District Council Local Development Framework Core Strategy (BCS) adopted 2011**

CS5 - Countryside  
CS6 - Promoting accessibility for all  
CS8 - Natural Environment and Biodiversity  
CS9 - Built and Historic Environment

**Braintree District Local Plan Review (BDLPR) 2005**

RLP 36 - Industrial & Environmental Standards  
RLP 54 - Transport Assessments  
RLP 62 - Pollution control  
RLP 63 - Air quality  
RLP 64 - Contaminated land  
RLP 65 - External Lighting  
RLP 71 - Water supply and land drainage  
RLP 72 - Water quality  
RLP 80 - Landscape Features and Habitats  
RLP 81 - Trees, Woodland, Grasslands and Hedgerows  
RLP 84 - Protected species  
RLP 86 - Rivers corridors  
RLP 87 - Protected Lanes  
RLP 90 - Layout and design of development  
RLP 100 - Alterations, extensions and changes of use to Listed Buildings and their settings  
RLP 105 - Archaeological Evaluation  
RLP 106 - Archaeological Excavation and Monitoring

**Statement of Reasons**

The key overarching purpose of planning is to deliver sustainable development. The NPPF in particular promotes a presumption in favour of sustainable development; referred to as the 'golden thread' running through decision taking. The National Planning Policy for Waste, the BCS, the WLP and the emerging RWLP also refer to sustainability objectives.

At paragraph 6 of the Framework it is stated that "*the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.*" In an economic role planning should "*be contributing to building a strong, responsive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.*" In a social role planning should be "*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations;*

*and by creating high quality built environment, with accessible local services that reflect the community's needs and support is health, social and cultural well-being." In an environmental role planning should be "contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy."*

While the amendments would result in a change in capacities of the IWMF it is still considered that the facility would provide an integrated approach to waste management. The MBT & MRF would ensure recyclables are recovered prior to use of the residue as a fuel source for the CHP, in accordance with the principle of pushing waste up the waste hierarchy. The on-site de-ink paper pulp plant would make direct efficient use of the heat and steam from the CHP and produce recycled paper pulp in the UK reducing the need for imported supplies. The remaining capacity of the CHP, in combination with biogas from the AD facility, would generate "green" electricity, contributing to sustainable development, reducing carbon emissions from non-fossil fuel electricity generation and contributing to reducing the impacts of climate change.

The IWMF would provide waste management capacity for C & I waste within Essex & Southend further up the waste hierarchy and thereby reducing C & I waste going to landfill. The IWMF would create capacity to utilise SRF/RDF generated in the county. Even if the IWMF was not awarded the contract for the management of SRF/RDF generated at Tovi Eco Park by the WDA the IWMF capacity to deal with SRF/RDF would ensure that Essex & Southend had capacity to deal with SRF/RDF helping to achieve net self-sufficiency for the County's waste management needs. The spare capacity in the CHP would encourage waste currently landfilled to be used as a resource from which energy could be recovered again helping to move waste management up the waste hierarchy.

No objection has been received from the Environment Agency with respect to the potential emissions from the CHP plant and Government guidance is clear that unless statutory bodies raise concerns with respect to emissions it is not the planning authorities' role to refuse the application on pollution or health grounds. These will be addressed through the Environmental Permit and the planning authority should assume these control mechanisms would work effectively.

The concern that the application should have been a new full application was considered by the WPA and it was concluded that the way the conditions were imposed in the 2010 planning permission reflected the Inspector's intention to allow flexibility in the implementation of the consent and that the application could be considered by way of a variation to the original consent.

The application was supported by an Environmental Statement. No significant adverse effects have been identified arising from the proposed changes which were not already addressed by mitigation or secured by condition. As a result of the amendments, there would be no additional impacts with respect to traffic, landscape, visual impact, impacts on the Historic environment, archaeology, ecology or impacts of residential amenity, which are not already mitigated by the proposals and/or controlled by existing or proposed conditions or obligations of the legal agreement.

While the facility would utilise more water from an existing permitted abstraction licence, there is storage capacity within the site to utilise this abstraction and ensure adequate water supply even in dry periods, without adverse impact. Therefore the proposals are in accordance with WLP policies W8A, W4A, W4B, W4C, W10E and BDLP policies RLP 36, 54, 62, 63, 64, 65, 71, 72, 80, 81, 84, 86, 87, 90, 100, 105 and 106.

The Inspector in considering the original application stated

*The eRCF is consistent with the key planning objectives set out in PPS10 [now superseded and embodied within the NPPW]. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC's strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.*

It is not considered that the proposed changes would undermine these original conclusions. The proposal is sustainable development, in that it meets the needs of Essex & Southend; contributes to the sustainable management of waste; provides recycling capacity for C & I waste; provides reprocessing capacity for recovered paper efficiently using on site heat and power; provides a source of energy offsetting fossil fuels and reducing greenhouse gases from alternative forms of energy, better waste management, in particular by providing capacity to divert C & I waste from landfill; and is in accordance with the principles of the waste hierarchy set out in the National Planning Policy for Waste.

The development is therefore considered to represent sustainable development for the purposes of the NPPF and is considered to comply with the relevant policies of the development plan taken as a whole.

**There are no other policies or other material considerations which are overriding or warrant the withholding of permission.**

#### **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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

The Waste Planning Authority has engaged with the applicant prior to submission of the application, advising on the validation requirements and likely issues.



Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

Dated: 26 February 2016

COUNTY HALL  
CHELMSFORD

Signed:

A large black rectangular redaction box covering the signature of Andrew Cook.

Andrew Cook - Director for Operations, Environment and Economy

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

## NOTES

### TOWN AND COUNTRY PLANNING ACT 1990

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

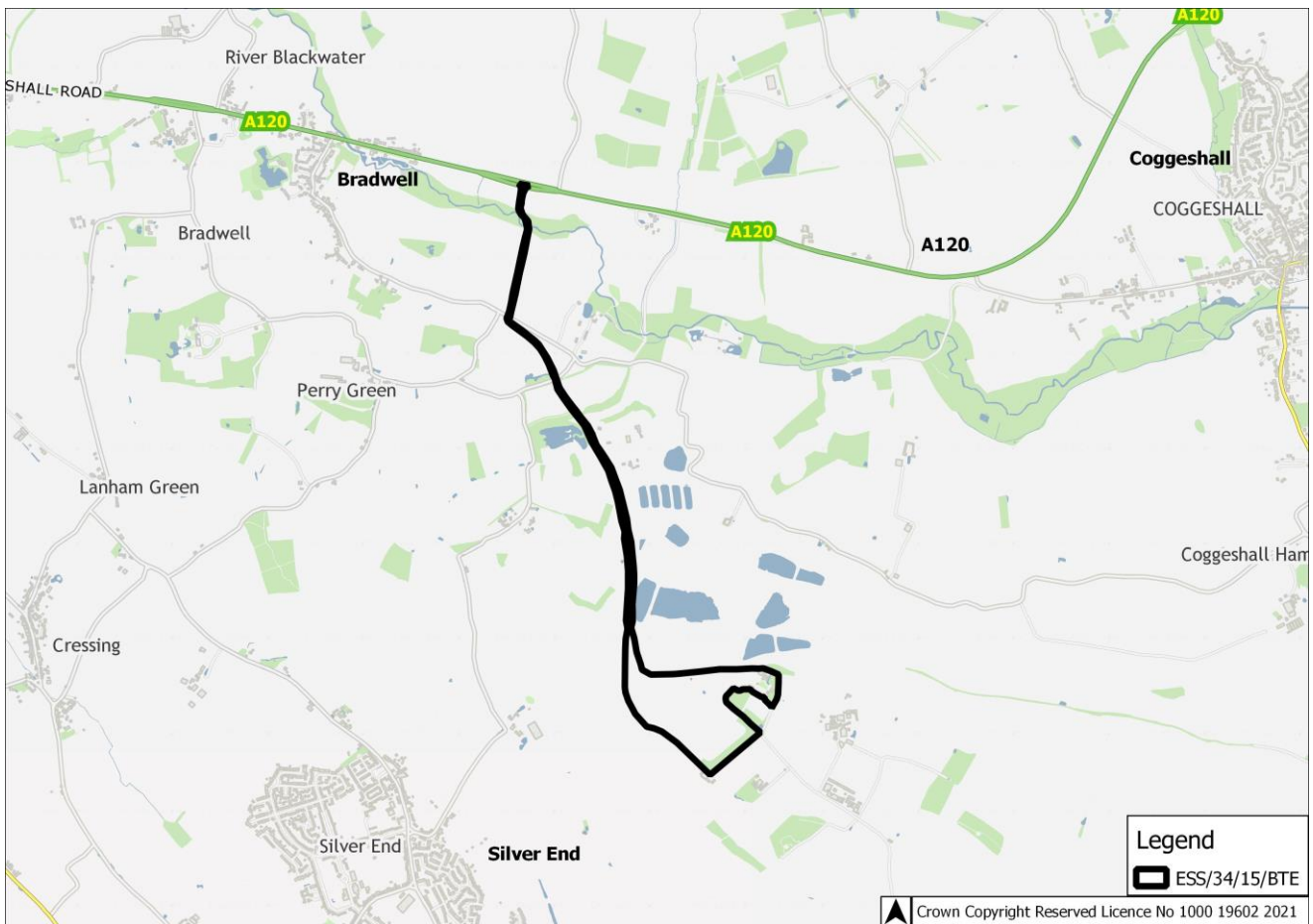
##### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision that relates to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- Alternatively, if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

**DR/06/22****Report to:** DEVELOPMENT & REGULATION (25 February 2022)**Proposal:** MINERALS AND WASTE DEVELOPMENT

Details pursuant to Condition 66 (Plan of action for an alternative use or a scheme of rehabilitation) of ESS/34/15/BTE. ESS/34/15/BTE was for "Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 (Signage, Telecommunications & Lighting at Woodhouse Farm complex), 14 (Stack design and finishes), 15 (design details and construction materials), 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing - temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping - bunding & planting), 59 (trees, shrubs and hedgerows - retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points - lining and signing)"

**Ref:** ESS/34/15/BTE/66/01**Applicant:** Indaver**Location:** Rivenhall Airfield, Coggeshall Road (A120), Braintree, CO5 9DF**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: [REDACTED]The full application can be viewed at <https://planning.essex.gov.uk>



## 1. BACKGROUND

The current application is not a planning application, but an application to discharge details reserved by condition, in this case condition 66 of the planning permission ESS/34/15/BTE for Rivenhall Integrated Waste Management Facility (IWMF).

Planning Permission for the Rivenhall IWMF was first granted by the Secretary of State (SoS) in March 2010 following a call-in public inquiry (ECC Ref ESS/37/08/BTE). The Inspector's Report and SoS Decision are at Appendix A and B.

While the original application was determined by the SoS, subsequent applications fall to the Waste Planning Authority (WPA) to determine, unless called-in or legislation requires otherwise. There have been subsequent variations to the planning permission and submissions in response to conditions, which have been dealt with by the WPA, the summary below focuses on those relevant to the current application.

The 2010 planning permission was required to be implemented by March 2015. In 2014 a planning application (ESS/41/14/BTE) was made to the WPA to extend the implementation period by 2 years. In December 2014, planning permission was granted for a 1 year extension only, such that the planning permission was required to be commenced by March 2016.

In 2015 a planning application (ESS/34/15/BTE) was made to amend the capacities of the different elements of the IWWMF, in particular increasing the capacity of the Combined Heat and Power Plant (CHP) from 360,000tpa to 595,000tpa. The application also incorporated details to discharge a number of conditions of the original permission. The planning permission was granted in February 2016 (copy of the decision notice is at Appendix C) and at that time additional conditions were added, including condition 66. This condition sought to address the possibility that if the development was started but did not progress, the site would not be left without a beneficial use. Implementation of planning permission ESS/34/15/BTE was undertaken in March 2016.

In 2017 two planning applications were made (ESS/37/17/BTE & ESS/36/17/BTE) which in combination sought to increase the height of the stack of the CHP. An Environmental Permit (EP) had been granted by the Environment Agency (EA) but with a higher stack than that permitted by the planning permission, the applications sought to increase the stack height in line with EP. These planning applications were refused in May 2019 primarily as it had not been demonstrated that the harm to the landscape, visual amenity and setting of Listed Buildings was not outweighed by other factors, notably the need for the capacity of the facility. The extant permission for the IWWMF therefore remains ESS/34/15/BTE.

The applicant/developer had been Gent Fairhead & Co until October 2018, when it was announced that Indaver would be working with Gent Fairhead & Co. Indaver has since taken on a long-term lease for the IWWMF site and works commenced on site in winter 2019/20. Gent Fairhead & Co have an option to lease the land on which there is permission for a market de-ink paper pulp plant facility that forms part of the IWWMF.

The planning permission for the IWWMF gives consent for:

- A CHP plant (595,000tpa) utilising Refuse Derived Fuel (RDF) generated on site and imported RDF/Solid Recovered Fuel (SRF) to generate heat, steam and electricity to be used on site. Some electricity to be exported to the National Grid.
- Merchant De-ink Paper pulp plant (MDIP – 170,000tpa) to reprocess waste paper imported to the site, as well as any suitable paper recovered by the MRF and would utilise, heat, steam and power generated by the CHP. Paper pulp board to be exported from the site.
- Anaerobic Digestion (AD – 30,000tpa) facility to treat food and green waste generating biogas for production of electricity on site and generating a compost like output for export.
- Materials Recycling Facility (MRF – 300,000tpa) to sort through imported waste recovering recyclables such as paper, card, plastics and metal.
- Mechanical Biological Treatment Facility (MBT – 170,000tpa), to treat waste by mechanical treatment e.g. shredding and then biological treatment using air and moisture to bio-stabilise the waste, the output being an RDF.

The total amount of waste that can be imported to the site is limited by condition to 853,000tpa. The maximum number of HGV movements is limited to 404 a day Monday to Friday and 202 on Saturday mornings.

The permission also includes the creation of an extended access road from the A120 and refurbishment of the Woodhouse Farm Listed Buildings complex and other associated infrastructure.

*Extract from Figure 1-5B*



The MDIP, MRF, MBT and AD are permitted to be housed in a double arched building, where the majority of the building is to be located below natural ground. The CHP and other associated infrastructure is to be located also partly below ground to the rear of the IWMF building.

*Extract from approved Figure 1-5B*



The IWMF site overlaps in part with the worked-out areas of Bradwell Quarry, operated by Blackwater Aggregates (a joint company of Cemex and Gent Fairhead & Co). Planning permission for extraction and restoration of sites A3 and A4<sup>1</sup> (see plan below) incorporated the possibility of overburden from within the IWMF site to be utilised to restore sites A3 and A4 to near natural levels rather than low-level restoration. In Spring 2021 works commenced to remove overburden from the IWMF site and be placed in sites A3 and A4 to achieve restoration to near natural levels. These works are ongoing.

## **2. SITE**

The IWMF site is located east of Braintree, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall and approximately 3km south east of Bradwell village. The site is 25.3 ha which includes the access road.

The IWMF site at its northern end comprises a narrow strip of land leading southwards from the A120 Coggeshall Road, the location of the access road. To the south the IWMF site widens into an irregular shaped plot of land.

The IWMF site lies within the boundaries of both Bradwell Parish Council and Kelvedon Parish Council, the access road being mainly within Bradwell Parish Council and the remainder of the access road and IWMF itself lying within Kelvedon Parish Council.

The IWMF site lies on the southern part of the former Rivenhall airfield; the runways have been removed as part of mineral extraction. The IWMF site (not including the access road) is located approximately 1.7km south of Coggeshall Road (A120T) and includes the Grade II Listed Buildings of Woodhouse Farm.

Woodhouse Farm buildings are located on the south eastern side of the IWMF site and included in the IWMF planning permission area. The IWMF site also includes woodland protected by Tree Preservation Order, which surrounds the southern boundary of the IWMF itself.

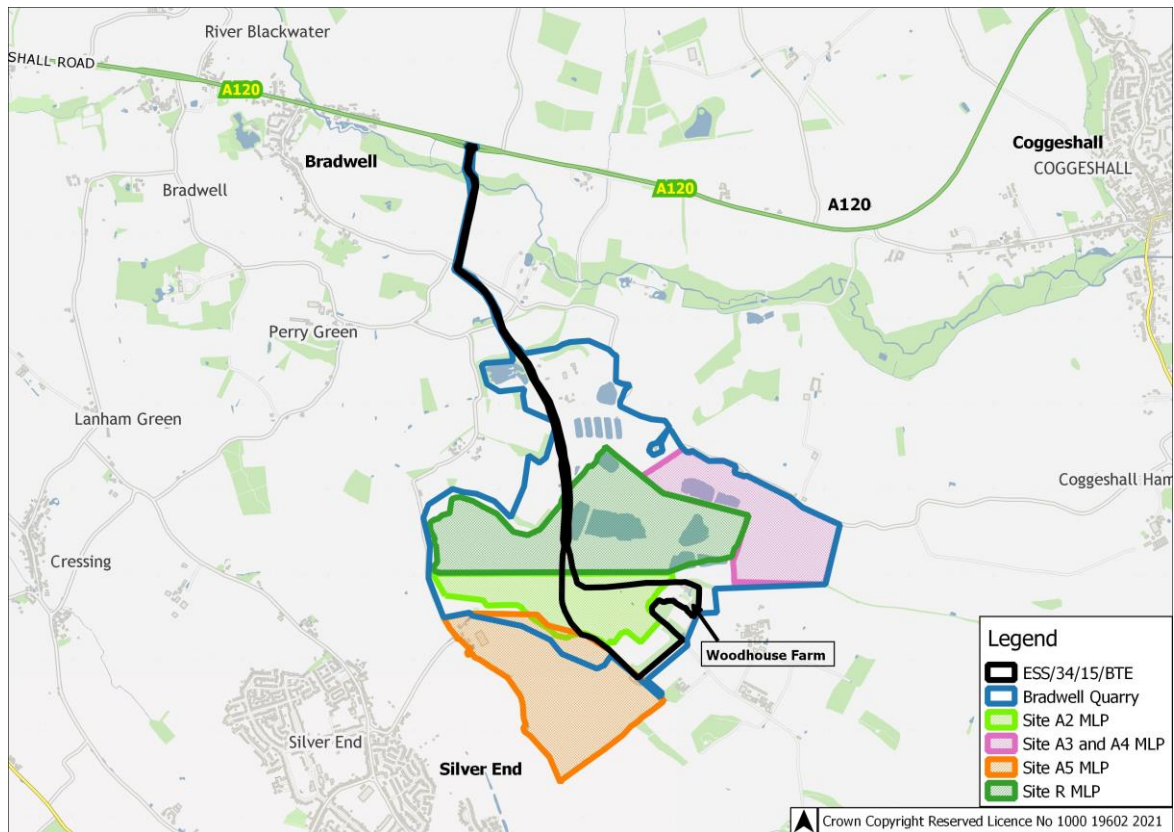
The IWMF site also included an airfield hangar which upon implementation of IWMF permission in 2016 was removed.

The IWMF site overlaps with Bradwell Quarry where sand and gravel extraction is currently taking place within Minerals Local Plan Preferred site A5. The location plan below shows the extent of previous and current mineral extraction areas; Site R permitted in 2001; site A2 permitted in 2011 (which included extraction in part of the site for the IWMF); and sites A3 and A4 permitted in 2015 and site A5 granted in 2019. Previously worked out areas of the quarry have been restored at low level to arable agriculture with new hedgerows and woodland planting. There are, however, areas of Bradwell Quarry (sites A2, R and A3 and A4) which are awaiting restoration to a combination of arable, woodland and water. The delay in completion of the restoration in these areas has in part been due to the uncertainty as to the progression of the IWMF. With progression of the IWMF, works to

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<sup>1</sup> Sites A3 and A4 are identified as preferred sites for extraction in the Minerals Local Plan (2014)

complete unrestored mineral workings is now ongoing.



The IWMF site is set within a predominantly rural character area, consisting of arable crops in large fields, often without boundaries resulting in an open landscape in gently undulating countryside. The landform around the site forms a flat plateau at about 50m AOD, although the restored minerals workings to the northwest (site R) and southwest (site A5) have been or will be restored at a lower level, creating bowls in the landscape. Site A3 and A4 as previously mentioned are to be restored to near natural levels utilising overburden from the IWMF site.

The nearest residential properties, not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the IWMF site approximately 450m. To the north/north east on Cuthedge Lane are Heron's Farm at approximately 700m from the site of the IWMF, Deeks Cottage at approximately 850m and Haywards 920m from the site of the IWMF. To the west of the site on Sheepcotes Lane lies Sheepcotes Farm 580m from the site of the IWMF, also Gosling's Cottage, Gosling's Farm and Goslings Barn and Greenpastures all approximately 1200m from the site of the IWMF. Properties to the southwest within Silver End village lie approximately 850m from the site of the IWMF. Parkgate Farm lies south of the site approximately 1000m from the site of the IWMF.

Approximately 400m to the east of the IWMF site boundary and Woodhouse Farm, lies a group of buildings, including the Grade II listed Allshots Farm and a scrap yard.

Approximately 500m to the south east of the IWMF, beyond agricultural fields, there is a group of buildings known as the Polish site. These buildings are used by a number of businesses and form a small industrial and commercial estate to which



access is gained via a public highway Woodhouse Lane leading from Parkgate Road.

A further business operates on the south west edge of the IWMF site, at the "Elephant House", the building being the fire station for the redundant airfield. The site is used by a road sweeping company, but the site is well screened by mature evergreen trees.

The permitted vehicular route to the IWMF site shares the existing access on the A120 and the private access road for Bradwell Quarry. The access route crosses the River Blackwater by two bailey style bridges and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan Review 2005). The access road is two way from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane and then two way south of Ash Lane to Bradwell Quarry processing plant. The crossing points on Church Road and Ash Lane are both single lane width only. Some works have already taken place with respect to the IWMF including preparing the access road to be two way between Church Road and Ash Lane, as well as speed bumps and signage.

To the south of the Bradwell processing area, the permitted access road to the IWMF site has not been constructed. However, works have been undertaken to create a construction access road for plant and staff to the IWMF site where a construction compound has been formed. The site of the IWMF has been largely worked for sand and gravel but then the overburden was replaced. The remaining unworked mineral area within the IWMF site has been cleared of vegetation and topsoils and the subsoils stripped, and overburden is currently being removed to create the void for the IWMF plant and buildings. The remaining mineral within the site will be extracted for which there is planning permission.

The same area of the IWMF site is allocated in the adopted Waste Local Plan 2017 as a site IWMF2 for residual non-hazardous waste management and biological treatment.

The land comprising the IWMF site has no designations within the Braintree Development Plan.

There are two County Wildlife Sites (CWS) within 3 km of the site at Blackwater Plantation West, which is within the Blackwater Valley which the access road crosses. The second CWS is at Storey's Wood (south of the site), which is also an Ancient Woodland.

There are 4 Grade II Listed properties within 1km of the IWMF site including Woodhouse Farm and buildings within 200m, Allshots Farm and Lodge (400m away) to the east, Sheepcotes Farm (1000m) to the west.

Three footpaths (FP's 19, 57 [Essex Way], 58) are crossed by the existing quarry access road and the extended access road to the IWMF would cross the FP35. There is also a public footpath No. 8 (Kelvedon) which heads south through Woodhouse Farm complex. FP 8 (Kelvedon) links with FPs 35 and 55 (Bradwell) to provide links west to Sheepcotes Lane and FP 44 (Kelvedon) runs eastwards

linking with bridleway 1 (Kelvedon - Pantlings Lane) towards Coggeshall.

### 3. PROPOSAL

The application seeks to address the requirements of condition 66 of ESS/34/15/BTE; the wording and reason for condition 66 are set out below.

In the event that the IWWMF is not brought into beneficial use within 5 years of commencement of the development (as notified under condition 1) the operator shall within 6 months of the end of the 5 year period submit a plan of action for an alternative use or a scheme of rehabilitation for the site for approval by the Waste Planning Authority. The plan of action for an alternative use or scheme of rehabilitation shall be implemented within 6 months of approval by the Waste Planning Authority.

*Reason: To ensure that if the development of the IWWMF is not progressed to a beneficial use within a reasonable period, that the site is either planned for an alternative use or the site rehabilitated in the interests, of minimising the adverse environment impacts of incomplete implementation and in accordance with WLP W8A, W10E and MLP DM1 and BCS policies CS5 and CS8.*

It should be noted that the Policies referred to within the reason for the condition are those from the 2001 Waste Local Plan, which has since been superseded by the Waste Local Plan 2017. Policy W8A related to allocated sites of the WLP 2001 and is superseded by Policy 3 (Strategic Site Allocations) of the WLP 2017. The site allocated in the WLP 2001 was smaller than that allocated in WLP 2017. The site in the WLP 2017 is similar to that of the permission area for the IWWMF. Policy W10E was with respect to Development Control Criteria, now superseded by policy 10 (Development Management Criteria) of the WLP 2017.

The applicant has submitted a letter to address the requirements of condition 66 (a copy of the letter is included as Appendix D) and a clarifying email and the "plan of action" is as follows:

#### ***Plan of action***

*RPS [applicant's agent] proposes the following staged plan of action which we believe reflects the circumstances and decisions we currently face. They are presented in a manner which aims to provide the planning authority with transparency in relation to our intentions for the site. In sequence the plan is:*

*1. To build out the permission as authorised by the Planning Permission. Indaver regard this permission as valuable commercially and necessary to deal with the waste management needs arising in the area. As is well known, their immediate focus is to deliver the CHP (or Energy from Waste (EfW)) component within the approved building. They are looking at developing the other consented waste management and energy components too, with the help of GFC, but we cannot yet confirm details of these and when they might be brought forward.*

*If, in the event that for technical or commercial reasons, Indaver is unable to bring forward all parts of the consented development e.g. the market or technology has*

*changed, then they are likely to wish to resort to options under stage 2 or 3 of the plan of action, as set out below.*

*2. Build out those elements within the consent which are technically and commercially viable, all within the building which currently has consent, and/or;*

*3. Submit an application for consent for alternative waste management and/or energy generation uses.*

*Option 2 allows for the possibility of us not building out certain elements of the consented scheme if they prove untenable technically or commercially. In particular, we are concerned that at present the paper pulp plant may fall into this category, and therefore lead us to initiate options 2 or 3 of the plan.*

*Finally, in terms of Option 3, we are exploring the possibility of increasing the power output of the EfW to above the 50 MWe threshold, which would require consent from the Secretary of State under the Planning Act 2008 (a Development Consent Order). Option 3 of the plan caters for this scenario. In addition, although not currently planned, should we wish to apply for something that falls outside the scope of the current planning permission, we will of course approach you and the local liaison committee in advance to set out those plans.*

#### **4. POLICIES**

The following policies of the [Minerals Local Plan](#), adopted July 2014, [Essex and Southend Waste Local Plan adopted 2017](#) and [Braintree Local Plan 2013-2033 - Section 1 adopted February 2021](#), the [Braintree Core Strategy adopted September 2011](#) and [Braintree District Local Plan Review adopted July 2005](#) provide the development plan framework for this application. The following policies are of relevance to this application:

##### MINERALS LOCAL PLAN (MLP)

S8 - Safeguarding mineral resources and mineral reserves

##### WASTE LOCAL PLAN (WLP) 2017

Policy 1 - Need for Waste Management Facilities

Policy 2 - Safeguarding Waste Management Sites & Infrastructure

Policy 3 - Strategic Site Allocations

Policy 10 - Development Management Criteria

Policy 11 - Mitigating and Adapting to Climate Change

##### BRAINTREE DISTRICT LOCAL PLAN (BLP S1) 2013-2033 Section 1

SP 7 Place Shaping Principles

##### BRAINTREE DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY (BCS) adopted 2011

CS5 Countryside

CS8 Natural Environment and Biodiversity

##### BRAINTREE DISTRICT LOCAL PLAN REVIEW (BDLPR) 2005

RPL 36 Industrial and Environmental Standards

RLP 62	Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP 63	Air quality
RLP 65	External Lighting
RLP 72	Water Quality
RLP 80	Landscape Features and Habitats
RLP 81	Trees, Woodlands, Grasslands and Hedgerows
RLP 84	Protected species
RLP 87	Protected Lanes
RLP 90	Layout and Design of Development
RLP 100	Alterations, extensions and changes of use to Listed Buildings and their settings
RLP 101	Listed agricultural buildings
RLP 105	Archaeological Evaluation
RLP 106	Archaeological Excavation and Monitoring

## NEIGHBOURHOOD PLANS

Bradwell With Pattiswick Neighbourhood Plan 2019

Policy 1 Protecting and enhancing the Natural Environment and Green Infrastructure

Coggeshall PC (adjacent parish) Neighbourhood Plan (CNP) was adopted by Braintree District Council as part of the Development Plan in July 2021.

Policy 11 Preventing Pollution (including air and water quality, noise and light)

Kelvedon PC Neighbourhood Plan is at too earlier stage to have weight.

The Revised National Planning Policy Framework (NPPF) was published on 20 July 2021 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 that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or 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: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

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.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however 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 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF. Braintree District Council is currently awaiting the outcome of the Examination of Section 2 of the Local Plan 2013-2033, the emerging policies can therefore only be given limited weight.

## **5. CONSULTATIONS**

Summarised as follows:

### **BRAINTREE DISTRICT COUNCIL: Objection**

Braintree District Council expressed its objection in the strongest terms during the consideration of the IWMF at Rivenhall Airfield by the SoS in 2010. However it had to accept the decision of the planning process via the Secretary of State that the proposal was acceptable in principle and has since sought to work proactively with the statutory planning and licencing bodies (namely ECC and the EA) to minimise the impacts on local residents, amenity, infrastructure and the environment. Despite this our local residents continue to express their concern on these proposals. Our recent community engagement exercise on our own climate change strategy saw a significant number of comments about the incinerator which would become the biggest single emitter of carbon dioxide in the District and how impactful that would be on the environment and residents' health.

The Council wishes to express its increasing concern and disappointment that that site owners seem unwilling to bring the site forward in the manner that was consented and that all but the CHP now appear to be lost. The Council would ask that ECC take all possible legal steps to consider how it can compel the applicant to develop the proposal originally consented, or alternatively consider that a new application should be sought to consider properly the proposals as they now stand.

Alternatively, we note that the applicant has stated that they are considering whether they will propose to increase the output of the incinerator to above 50MW, and as stated we believe this would require a new permission through the NSIP process.

Condition 66 was imposed by Essex County Council as part of the permission granted on 26th February 2016. The Officer Report to the County Council's Planning Committee refers to the fact that the planning permission was being granted before the applicant had obtained the required EP from the EA. It is clear therefore that the intention of condition 66 is to prevent the situation that we currently find ourselves in, where some 11 years after the application was originally granted, the proposal has not been brought forward. Indeed the information from the landowner/developer now considers that proposals for part of the permission will come forward in 2024/25. This level of uncertainty for local residents in particular, is not acceptable.

The Plan for Action submitted to discharge this condition appears to be less than a page long and provides little detail, noting technical and commercial reasons but provides none of the details of these reasons that prevents four fifths of the consented scheme being developed. In our view this is a disingenuous approach to the discharging of this condition and the local resident's concerns. The details submitted to discharge condition 66 therefore seem to lack either a plan or action.

The applicant states that the only element of the consented scheme which is currently under active consideration for implementation is the CHP (the Combined Heat and Power Plant). Again the plan of action lacks any substance or detail, simply stating that 'The commissioning of this part of the plant is not expected until 2024/5'. The plan of action provides no details of how, or when, the CHP will be delivered beyond this vague statement. Even allowing a further four years for the CHP to come into beneficial use the plan of action fails to provide a clear programme of how the applicant will achieve this. The District Council considers that a further 4 year period until there is an operational use on the site, which bears limited resemblance to the consented scheme, does not meet the requirements set out in condition 66. There is no plan of action for an alternative use which can be implemented within six months. Indeed the third alternative use would require the submission of an application for consent for alternative waste management and/or energy generation uses. There is no commitment or timeframe given for this to happen. As such the application to discharge this condition should be refused.

A new application, whether to ECC or through the NSIP process appears the only sensible way in which residents, stakeholders and statutory bodies can properly engage and have their say on the plans as they are currently are, and consider these revised proposals in the changed context of the NPPF and increasing focus on the impacts of climate change.

ENVIRONMENT AGENCY: No objection

Option 1 is to continue and build the complete IWWMF with the intention of delivering the first phase (EfW plant) from 2024/25. Option 1 has no environmental permit issues as the permit was issued on the basis of all elements of the IWWMF being built.

Option 2 is to only build those elements of the IWWMF which are 'technically and commercially viable'. Depending on what elements were removed, Option 2 may need the developer to apply for a permit variation. This is due to the fact that all the elements of the IWWMF are interconnected (integrated) and therefore removing one of more elements of the scheme may have an impact on emissions to the

environment. As a minimum, removal of certain elements is likely to affect the overall energy efficiency of the scheme and also its carbon footprint.

Option 3 provides for a planning application to be made for 'alternative waste management and/or energy generation uses'. Option 3 would need a new environmental permit application to be submitted and a permit to be issued before any commencement of alternative waste treatment and/or energy generation uses.

BRADWELL WITH PATTISWICK PARISH COUNCIL: Objection – consider the details are incomplete as they should provide details of when all the components of the IWMF will be commenced and completed. Option 3 suggests only the incinerator will be built and permission sought to increase its power output. WPA should require a complete plan of action.

KELVEDON PARISH COUNCIL: Objection. The plan of action does not meet the full requirements of condition 66. The plan of action is in contradiction of the authorised permission granted in 2016 and goes against the wishes of the Inspector's original decision.

The plan of action represents a material change and therefore requires a new planning application. It has become clear that the commercial feasibility of a paper pulping plant is currently lacking and therefore, for at least the time being, the IWMF will be little, if anything, more than an incinerator. Commercial reasons should not allow for Condition 66 to be discharged.

The plan of action also does not comply with the waste hierarchy as stated in the ESS/36/17/BTE stack height refusal. Kelvedon Parish Council objects to the construction of an incinerator at this point in time, when Braintree District Council have declared a climate emergency and when there does not appear to be a current shortage of incinerator capacity in this region. There is also the pressing issue of air contamination from both the incinerator and the considerable number of vehicle movements that will be required in order to supply such an enormous incinerator with waste. Current research indicates a very detrimental impact of air pollution on health - linking to asthma and early death.

Furthermore, Kelvedon Parish Council objects to the discharge of Condition 66 on the basis that the applicant appears to have shown disregard for the Planning Authority, the Secretary of State and the planning process, through a process of planning creep and continuous change.

SILVER END PARISH COUNCIL (adjacent Parish): No comments received

COGGESHALL PARISH COUNCIL (adjacent Parish): Objection. The plan of action does not meet the full requirements of condition 66 on the basis:

1. Is non-compliant;
2. Contradicts the Authorised permission granted in 2016;
3. Is not viable as consented by their own admission and therefore ECC must stop the development;
4. Goes against the express wishes of the Inspector's original decision;
5. Does not comply with waste hierarchy as stated in the ESS/36/17/BTE stack height refusal;

6. Does not represent 'non-material changes' and as such requires a new application;
  - a. Changes significantly,
  - b. Is described in a different way,
  - c. Has components removed meaning it is designed differently,
  - d. Will result in different objections;and
7. Contravenes the policies W8A and now W10B and W10C.

In addition the applicant has stated they will not adhere to the authorised permission, CPC requires ECC to enforce condition 66 and cessation of the development coupled with a scheme of rehabilitation.

The response was accompanied by a statement expanding upon the points raised above and the full response is attached at Appendix E

FEERING PARISH COUNCIL (nearby Parish): Objection. We have read the objection comments received by Bradwell with Pattiswick Parish Council and we agree with their comments. The document which has been submitted as a plan of action is missing important information and until this plan of action is complete, we cannot support the discharge.

Feering Parish Council would also like clarity as to Indaver's role in the application for the discharge of condition 66. The original application ESS/34/15/BTE was submitted by Gent Fairhead and permission was given to Gent Fairhead. There is confusion between the relationship between Indaver and Gent Fairhead. Will Indaver be delivering the whole of the Integrated Waste Management Facility or are they just delivering part of it? We would like clarity as to who the "operator" is.

Officer Comment: The planning permission runs with the land, not the applicant.

RIVENHALL PARISH COUNCIL (nearby Parish): Objection, submission made on last day possible and is not "a plan of action for an alternative use" only speculative suggestions and there is no site restoration proposal is included. The restoration scheme should include replanting the woodland.

Condition 66 has been triggered because there has been no beneficial use of the site, in fact nothing has been built since it was granted in March 2010, some 11.5 years ago and it has been stated no waste processing will take place before 2024/5.

Option 1 says that the IWMMF will be built as permitted, but it has been stated at Liaison meetings by Gent Fairhead/WREN that the paper pulp plant is now not commercially viable. Indaver have stated at liaison meeting that alternatives are being explored "on and off site" to take heat from the incinerator. Such uses would be outside the scope of the current consent.

Option 2 is to "build out those elements within the consent which are technically and commercially viable, all within the building which currently has consent". But this also does not align with the known facts. Indaver has stated at the liaison meeting, and in writing to the planning authority, that the only element they are



committed to construction is the waste incinerator, with commissioning by 2024/25. There is no commitment to any other elements of the IWMF, no evidence has been submitted that these other elements are not commercially viable.

Option 3 - is to "submit an application for consent for alternative waste management and/or energy generation uses". Indaver state that they are in dialogue with ECC regarding the lawfulness of their approach, but ECC have stated they require the IWMF to be built in full. It appears even after many years that there will be more changes.

Indaver have mentioned the possibility that they may wish to increase the power output to greater than 50MWe, which would require a development consent order from the Secretary of State. The incinerator has grown in size from 300,000 tonnes of waste per year to 595,000 tonnes per year in stages. It now appears that a further increase is under consideration with more, not less, uncertainty as to what the developers are really intending to build.

The application fails to offer any plan of restoration and only vague suggestions of what the alternative to the IWMF could be. It appears the IWMF has consented is not viable as consented and therefore WPA should bring an end to the ongoing "planning creep" and require a fresh and full planning application of what Indaver actually wants to build. This is important because in 2019 the WPA refused an application for a higher stack, with one of the reasons given being that the IWMF was not required for Essex waste needs. A new and full planning application for the actual plant Indaver wants to build would allow consideration of whether that plant is needed for Essex and a judgement could then be made as to whether that plant would be acceptable set against current planning policies and climate change legislation.

LOCAL MEMBER- BRAINTREE - Witham Northern: Objection.

By removing Condition 66 this no longer becomes an "integrated" waste management facility, with many of the components from the original planning application stripped out by the developer. If the IWMF is not built out with all the components, then this must be considered a breach of the original planning consent which was for all elements and demonstrates more than a "non-material" change to that application.

Furthermore, the parts that have been removed, such as the Pulping Paper Recycling Facility, brought environmental benefits of recycling and recovery of reusable materials – offsetting some of the harms from incineration. These are now gone, and this goes against the expressed wishes of the inspector's original decision.

The 'plan of action' that has been submitted by the developers is incomplete and, along with the continued changes to the application, demonstrates a complete disregard towards the planning process, the Planning Authority and most importantly to local residents.

LOCAL MEMBER- BRAINTREE - Braintree Eastern: Objection.

In 2010 the Inspector permitted an Integrated Waste Management Facility (IWMF) and the then Labour Secretary of State (SoS) supported this. An IWMF is, by

definition, made up of different elements and the inclusion of these “greener” elements was the only reason the dirty, environmentally damaging incinerator secured planning permission.

At no point did the Inspector or SoS allow for individual components to be omitted.

The IWMF has permission for an Anaerobic Digestion Plant (AD) treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility (MRF) for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment (MBT) Facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam.

Condition 66 sets out that in the event that the IWMF is not brought into beneficial use within five years of commencement of the development (as notified under Condition 1) the operator shall within six months of the end of the five-year period submit a plan of action for an alternative use or a scheme of rehabilitation for the site for approval by the Waste Planning Authority. The plan of action for an alternative use or scheme of rehabilitation shall be implemented within six months of approval by the Waste Planning Authority.

At the Indaver/ECC Rivenhall Waste Liaison Committee on June 17, 2021, Indaver stated that the Paper Pulping Recycling Facility was not commercially viable and would no longer be going ahead.

There has been some disagreement over what John Ahern of Indaver said at the meeting on June 17, 2021, about the hangars for the non-incinerator elements of the IWMF. The meeting was not recorded and there was no stenographer taking verbatim notes. I thought Mr Ahern made a pledge that at some point in the future Indaver would build an “empty hangar” at the cost of “£30million” to house the other elements of the IWMF after the incinerator was built and operational at the end 2025. As chair of committee, I tried to get this minuted but in an exchange of emails Mr Ahern said that was not what he said. Mr Ahern says he said Indaver would not build an empty hangar that it had no use for and costing £30million as that would be a waste of resources. He added: “However we are keen to build the hangars provided we have developed a beneficial use for them.”

So it can be deduced, Indaver currently hasn’t developed a beneficial use for and has no plans to build the infrastructure - empty hangars or otherwise - for the non incinerator elements of the IWMF.

This implies an arbitrary approach to the authorised planning permission.

Indaver has clearly indicated its intention to build the incinerator element of the plant first and vaguely suggests it is seeking partners to develop the AD, MRF and MBT. Seeking partners. Who, when, where, why, what? There are more questions than answers.

A separate company, Wren Renewables had previously stated it would bring

forward the development of the direct use of the heat and steam element of the IWMF.

But now Wren has stated that the market to reprocess high quality paper, the material which was aimed to be treated in the paper pulp plant, has changed, such that at the current time Wren no longer consider there is a market demand for the facility.

Wren has stated it is working with Indaver to find alternative proposals for the direct use of heat and steam from the incinerator. Where, when, with whom?

Thomas Fairhead, a director of Gent Fairhead, the company that secured permission for the IWMF in 2010, is also a director of Wren Renewables. Has another company involved in paper pulping been approached in regards to the viability of the Paper Pulping Recycling Facility at Rivenhall? It would be preferable to have an objective answer from a company not previously involved.

It is quite clear Indaver is only committed to building the incinerator - the dirty, climate-harming element - and not the greener elements of the IWMF as permitted. This is a significant change and one that needs to go back to the committee if not the SoS as a new application.

To date, apart from removing Condition 66, no application has been made to change the development as currently permitted.

Indaver has only made vague pledges to seek partners with respect to the AD, MRF and MBT, and the £30million hangar pledge if there's a "beneficial use" appears to be a cynical attempt to hoodwink ECC to get the incinerator-only element of IMWF through the final stages of planning.

If Indaver does eventually build a hangar at a cost of £30 million for the other elements, that sum is chicken feed when it comes to the profits the incinerator would make in its 30-year life span and could easily be written off as planning expenses. Based on the Croydon incinerator's profit figures, £80-£120 is charged per tonne of waste incinerated - that's £60 million a year income for the 600,000 tonnes per year Rivenhall incinerator or £1.8 billion over 30 years.

The Environment Agency has confirmed the transfer of their permit from Gent Fairhead to Indaver and has been transfer on the "as is" design & extant planning basis.

Dropping the Paper Pulping element of the permission will impact the calculations concerning emissions and heat outputs within the original EA permit, and as such, should be reviewed as well.

The five-year time limit (Condition 66) where the IWMF must be making a beneficial contribution has expired since they had a legal start on the 2<sup>nd</sup> March 2016.

The condition states that they have six months to provide a new plan of works and if none is received six months to restore the site.

Condition 66 requires that if there was no beneficial use of the IWMF within five years of commencement (i.e. 2<sup>nd</sup> March 2021), then the applicant is required within six months (i.e. 2<sup>nd</sup> September 2021) to "...submit a plan of action for an alternative use or a scheme of rehabilitation for the site...".

Indaver's plan of action is to remove Condition 66. That's not a plan of action - that's simply sidestepping the condition.

All this plan of action does is abuse the use of conditions, question their validity and inject a huge level of unacceptable risk and uncertainty; it is simply not clear what will be delivered.

The world has changed in the decade since the IWMF was permitted in 2010. If paper pulping is no longer commercially viable due to the impact of Covid19, then burning waste cannot be considered environmentally sustainable with all the scientific evidence that has been gathered on climate change since 2010 - and empirical evidence we see on our TV screens every day.

In the 11 years of delay and change we have a much deeper understanding of how air quality impacts human health and the environment; waste incineration may have been acceptable in the 20th century but it has simply become unacceptable in the 2020s. The USA stopped building new waste incinerators in the 1990s.

We now understand the impact of poor air quality and the damage that the emissions from the incinerator will do to both our environment and our health in terms of climate change, small particles, and with CO2 emissions taking centre stage and driving an unprecedented and current 1.5C increase in global warming.

Global emissions must peak by 2025 to keep global warming at 1.5C. The Rivenhall incinerator is set to start operating at the end of 2025.

On this basis, ECC must now stop development on the site, understand what is being built and require a new application based on the latest scientific knowledge, not ones that prevailed 5-10 years ago before making a much more informed decision.

Addressing Condition 66 provides the opportunity to reassess environmental impact and climate change impact in light of current data, thinking and evidence. I strongly object to the removal and discharge of Condition 66 and ask ECC's Development & Regulation committee to consider rejecting the application.

## **6. REPRESENTATIONS**

In accordance with the adopted Statement of Community Involvement, as this was not a planning application, but an application to discharge details required by condition no properties were directly notified of the application. Nonetheless, 100 representees have sent in comments, including one from Priti Patel MP, which is attached at Appendix F. The issues raised are summarised as follows:

Observation

Comment

The Inspector's report and SoS decision envisaged the IWMF to be built in its entirety not just the incinerator, all elements should be delivered, CHP, MRF, MBT, AD and paper plant

See appraisal

Plan of action states will build to permission authorised, but focuses on CHP with no commitment to other processes, thus non-compliant with the permission which is for all elements as set out in the description of development.

See appraisal

The applicant has failed to comply with the essential terms of the condition and therefore the application should be rejected.

See appraisal

The "plan of action" constitutes little more than a very brief summary or menu of potential options for further consideration and decision.

See appraisal

There is no detail in the C66 letter about "an alternative use" and nothing at all about a "scheme of rehabilitation" that would constitute a 'plan' and clearly the IWMF has not been "brought into beneficial use within 5 years of commencement of the development".

See appraisal

It is not a "plan of action" but a plan to delay and stall. It makes no firm commitments on the approach being taken and it appears it is being used as a tool to keep open the prospect of more damaging development taking place on this site and because, by their own admission, the currently approved scheme is not commercially viable.

See appraisal

Moreover, the reason given for the condition states that the plan of action is proposed so:

*that the site is either planned for an alternative use or the site rehabilitated in the interests, of minimising the adverse environment impacts of incomplete*

## *implementation*

The submission from Indaver is neither a substantial plan 'for an alternative use' nor is it a plan to rehabilitate the site.

The submission from Indaver and the three options it suggests provides no such certainty over the future and no clarity about what they will develop. It merely concedes that the development cannot take place as currently consented. A clear alternative is not given and no timetable to deliver such an alternative is provided either.

See appraisal

The submission from Indaver is neither a substantial plan 'for an alternative use' nor is it a plan to rehabilitate the site. It is therefore questioned why the application was validated.

See appraisal

Condition 66 is designed to provide people with certainty about the future of the site if the consented scheme is not developed as approved within the designated five year timescale. Condition 66 was put in place to give a reasonable time for the site to be fully completed as proposed, which it has not been. The document from Indaver and the three options it suggests provides no such certainty over the future and no clarity about what they will develop. It merely concedes that the development cannot take place as currently consented. A clear alternative is not given and no timetable to deliver such an alternative is provided either.

See appraisal

Consequently, any decision to discharge condition 66 based on the document and evidence provided by Indaver would not provide further certainty and clarity and would have the opposite effect. The application does not constitute a clear 'plan of action' and as such it must be refused by the Council.

One of the three options includes the prospect of new build incinerator of a

See appraisal

larger and more environmentally damaging scale than the one that falls within the existing consented scheme (Option 3). Although such a proposal would need to go through the Development Consent Order process, the Council should consider in relation to the discharge of condition 66 whether this proposal is viable and credible. A development on this scale would not be viable or credible and given how damaging it would be for the environment the Council should not accept this as being a credible 'plan of action' for the site for the purposes of discharging condition 66.

Options 1 and 2 are not credible as 'plans of action' for the site as they give no details of timescales and both options would represent a significant net increase in the environmental harm caused by the site by focusing on developing and putting into the use the incinerator first or the incinerator only. As such, all three options listed are not credible and as they do not represent a 'plan of action' and do not provide certainty over the future of the site they should be rejected.

See appraisal

Nothing will be brought into 'beneficial use' for several years to come - Indaver say not before 2024/5.

See appraisal

The application states "To build out the permission as authorised by the Planning Permission." It is stated Indaver will be working with Gent Fairhead (WREN), but it has been verbally stated at liaison meetings that the pulping plant is not commercially viable. It has also been stated alternatives to take the heat are being explored on and off site, this is outside the scope of the current consent.

See appraisal

Given the recent liaison meetings, attended by the ECC officers, and the submitted plan of action in response to condition 66 clearly stating they are only

See appraisal

'bringing forward the Incinerator', constructing the remaining elements' only if they are commercial and technically viable'. When do you consider you have been 'officially informed' of the changes?

The operator Indaver stated at all liaison meetings and in writing to the planning authority that the only element they are committed to constructing is the waste incinerator. See appraisal

How will you mitigate the risk that the applicant only builds the Incinerator under option one contravening the authorised planning permissions?

Given the EA response, when do you consider the integrated nature of the authorised planning is breached? See appraisal

Given the original application was controversial and only allowed after ministerial call in and with the application expressly including all elements, and it was the clear wish of the then Secretary of State that all would be delivered together, why is ECC not requiring a plan for all elements to be built, as per condition 66? See appraisal

Please can you identify what beneficial use has been cited and that will allow the discharge of condition 66? See appraisal

Given the 'uncertainty risk' now associated with this development, why is ECC not stopping this development? See appraisal

Since the only way residents, stakeholders, and statutory bodies can adequately engage and given the significant level of risk and uncertainty, will the Council and its Development and Regulation Committee stop the currently unauthorised development and require a new application? See appraisal

The link between the EfW and the paper See appraisal



plant was given weight in the original consent recommended by the Inspector in 2009 and confirmed by SoS in 2010.

The application makes no commitment to the consented MRF, MBT, AD or paper pulping plant. See appraisal

Indaver state there has been dialogue with ECC in regard to lawfulness of their approach, but WPA has stated it considers the IWMF should be built in accordance with the permission. See appraisal

Indaver state they are exploring increasing the power output to 50MW, which would require a Development Consent Order from the SoS. In other words Indaver are looking to increase the capacity of the waste incinerator yet again, from 595,000tpa to in excess of 800,000tpa. Indaver has stated it does not intend to increase the input to the CHP above 595,000tpa. Any increase in electricity generation capacity would arise from the efficiency of the incinerator. An increase above 50MW would require a Development Consent Order which would be considered by the SoS.

The IWMF has been delayed and changed over a number of years, it is clear the IWMF is not viable and ECC should require a fresh full planning application, when Indaver knows what it wants to build. ECC stated in 2019 that the IWMF was not longer needed for Essex. See appraisal

A new application could be judged against current policy, including sustainable development goals and climate change legislation. See appraisal

The current submission provides no details of a restoration plan and only raises more uncertainty as to the alternatives to the current consent. See appraisal

The plan of action is not complete it does not provide details of when other consented waste management and energy components will be commenced and completed. See appraisal

The plan of action does not provide sufficient detail to discharge the condition. See appraisal

The applicant has stated not all elements are viable and therefore the development should be stopped.	See appraisal
Without all elements goes against the decision of the SoS.	See appraisal
Proposal do not comply with waste hierarchy as stated in 2019 refusal.	Applications ESS/36/17/BTE & ESS/37/17/BTE were for an increase in stack height and the applications were determined on their individual merits at that time.
Proposal requires a new application as described differently, removes elements of the permitted development, would give rise to different objections.	See appraisal
Contravenes WLP policies W8A and now W10B and W10C	These policies while referred to in the decision for ESS/34/15/BTE, have now been superseded by policies of the Waste Local Plan 2017.
Proposals do not adhere to the planning permission; development should be stopped and rehabilitation plan should be submitted.	See appraisal
Does not comply with stack height refusal	Applications ESS/36/17/BTE & ESS/37/17/BTE were for an increase in stack height and the applications were determined on their individual merits at that time.
Non-compliant and contradicts 2016 planning permission	See appraisal
Goes against the Inspector's original decision	See appraisal
The applicant has stated that they will not adhere to the authorised permission and therefore the plan of action must be considered unviable.	See appraisal
The document significantly changes the original proposal and cannot be seen to represent 'non-material change'	The applicant has made the submission to address a condition, it is not an application for a non-material amendment. Also see appraisal.

To proceed in the way described requires a new application	See appraisal
Urge ECC to enforce condition 66, ordering development to be stopped and a scheme of reconstitution to be submitted	See appraisal
Neighbours should have been directly notified of this application.	The application was consulted on in accordance with Statement of Community Involvement. Also see appraisal.
<p>The incinerator was granted consent in 2016 and given 5 years for a reason. Political, economic, social, technological, legal and environmental frameworks change quickly and in a given timescale planning law allows for consents but ensures a backstop for significant changes that may occur over the period.</p> <p>Section 91 of the Town and Country Planning Act states that the time period in the conditions has regard to the “provisions of the development plan and other <i>material considerations</i>”.</p> <p>The period between 2016 and 2021 is possibly one of the most important and significant upheavals in recent history for changes that can be classed as ‘<i>material considerations</i>’.</p>	See appraisal
<p>a. Political – Brexit, geopolitical changes and local government changes have seen a huge shift in the global, national and local political sphere that changes the way the UK and the local area perceive relationships and policies since 2016. This affects relationships in Europe, supply chains, resource efficiency and environmental expectations. In that period the local area has moved towards green political parties who have seen significant gains in local elections due to the concerns over the incinerator, global warming and</p>	

the extension of the gravel pit.

- b. Economic – the economics of incineration v landfill v recycling v reuse have significantly altered over the last 5 years. Landfill has increased by about 20% in this time. There is little energy from waste in the incinerator to justify the incineration route. It saves money to recycle materials and use in new materials. The demand for recycled content in roads, flooring, concrete, steel, gypsum, insulation, furniture, fabrics, other building materials has increased enormously over the last 5 years and will increase exponentially over the next few years. Burning waste will not allow this demand to be met. It is essential that resources remain on the planet to meet the recycled content demands rather than mining or extracting virgin materials.
- c. Social – there is less contamination in recycling waste due to an additional 5 years of domestic and industrial habits and processes to ensure better segregation. This makes recycling more viable. COVID and lockdowns have changed the way people view the environment and what they expect from local authorities in order to meet carbon targets and recycling which is intrinsic to environmental performance.
- d. Technological – technology is changing rapidly and there are significant advances over the last 5 years in recycling major waste products including concrete, steel, gypsum, plastics, household waste to meet circular economy principles. New recycling processes, 3 D printing, enhanced AI and data use will mean resources can be extracted from materials more easily and

manufacturers are changing to a more flexible and adaptable model for products to allow this.

- e. Legal – since 2016 and the Paris Agreement there is no doubt in anyone’s mind that climate change is occurring. Up until that point there were still climate sceptics in government and other industries. The greenhouse gas emissions from the incinerator do not meet the UK 2020 carbon budget or net zero target. In addition the UN IPCC Report August 2021 states unequivocally that the next 10 years are key to reducing emissions to prevent catastrophic change. The incineration strategy does not comply with the 2020 carbon budget submitted by the Committee on Climate Change to the Government in line with the Climate Change Act, which states that to meet targets the UK needs to waste fewer resources. Incineration results in resources being lost forever when part of these could be recycled. The incineration model relies on a constant supply of waste to be incinerated to keep the plant running and profitable. This encourages incineration of resources rather than looking at other routes and a circular economy.
- f. Environmental – all industries recognise that the circular economy is key to achieving net zero as it encourages reuse, material efficiency, standardisation, recycled content in materials, low embodied carbon for materials and designing out waste. Incineration as a means to dispose of waste in 2021 does not fit into this model.

All the built environment key bodies such as RICS, RIBA, BRE, CIOB, UKGBC, LETI Climate Emergency Design Guide and Embodied Carbon Primer and

CIBSE as well as architects, contractors and the supply chains now recognise that a circular building project is key to meeting net zero targets.

For the above reasons an extension of time is not acceptable for an incineration plant that not only is much higher in burnt volumes than originally granted but also does not include the recycling required to meet UK and global targets. The landscape has changed in the last 5 years and to extend the time scales on a scheme that was devised in 2016 when so much has changed does not meet planning or environmental legislation.

No need for facility, will generate green house gases, give rise to air pollution, reduce air quality increasing particulates in the air from the lorries and the removal of elements that were aimed at recycling materials should be investigated.

The Inspector's report in 2010 in making a positive recommendation relied upon the fact, which is referred to several times within the report that the planning permission was granted on the basis of the benefits of the facility because it was integrated. Removal of this integration would not deliver the sustainable development that was envisaged and granted by the Inspector.

If only the incinerator alone is developed, there is potential the applicant would seek to increase the capacity of the incinerator to utilise all the permitted HGV movements.

The potential alternative developments suggested, may not be practical or viable and give rise to different impacts than those previously considered.

The developer in making the

The application is not for an extension of time to implement the planning permission. There is an extant planning permission. The application seeks to discharge condition 66. See also appraisal.

See appraisal

See appraisal

An application would be required to increase the capacity of the incinerator.

The information submitted with the application and presented at the liaison meeting, gave only an indication of possible alternatives that might be proposed at the site. If and when an application is made for alternatives, the impacts would be considered at that time.

The EA permitting regime is separate to

Environmental Permit application made reference to only building the incinerator element of the IWMF

the planning process. The EA have stated that an EP variation may be required if only the incinerator element is brought forward.

Request a copy of the legal advice obtained in relation to this application

Legal advice subject to legal privilege. See also section J

## 7. APPRAISAL

The key issues for consideration are:

- A. NATURE OF THE APPLICATION
- B. INTERPRETATION OF CONDITION 66 AND WHAT IS REQUIRED
- C. WHETHER THERE IS CURRENTLY A BREACH OF PLANNING CONTROL
- D. APPRAISAL OF THE INFORMATION SUBMITTED TO DISCHARGE THE CONDITION
- E. APPRAISAL OF OPTION 1
- F. APPRAISAL OF OPTION 2
- G. APPRAISAL OF OPTION 3
- H. IMPLICATIONS IF NONE OF THE OPTIONS WERE APPROVED TO DISCHARGE CONDITION 66
- I. ENVIRONMENTAL PERMIT
- J. LEGAL ADVICE
- K. CONCLUSION

### A NATURE OF THE APPLICATION

It is important to clarify the nature of the application. This is not a planning application; it is an application to discharge details reserved by a planning condition. There has also been some confusion that the applicant is seeking to delete the condition, which could only be achieved through S73 of the Town & Country Planning Act (often known as a variation application). This is not the case. The application seeks to submit details required by the condition, so that they can be approved or refused, not to delete the condition. An approval granted under a condition attached to a planning permission may itself be granted subject to conditions (this is clear from the terms of section 78(1)(b) of the Town and Country Planning Act 1990 ("the 1990 Act") and the decision in *Pressland v Hammersmith and Fulham LBC* [2016] EWHC 1763, as approved by the Court of Appeal in the Court of Appeal in *Fulford Parish Council, R (On the Application Of) v City of York Council* [2019] EWCA Civ 1359 (30 July 2019). Conditions attached to an approval should not ordinarily go to the principle of the development authorised by the permission. In the present case, however, the approval under condition 66 is referring to a procedure (a plan of action) separate from that which is permitted under the planning permission. The plan of action would supersede the development authorised under the permission and may entail the modification of what is authorised by the permission with appropriate and new conditions controlling the use or development. If the plan of action is the continuation of the development under the existing planning permission, additional conditions to those attached to the permission may be imposed to control how the authorised use may

be carried out. Such conditions must, however, be lawful and imposed in accordance with policy; this is dealt with further below.

As an application to discharge a condition, the application would normally only be subject to consultation with relevant technical consultees to the subject matter of the condition. In this case because of the nature of the condition and the high public interest in the site it was felt appropriate to consult wider, including local councils. Some local residents have raised concerns that neighbours were not directly notified, but the application was consulted on in accordance with the Council's Statement of Community Involvement.

While the application is not a planning application, the application is able to be considered against current planning policy and any other material considerations.

The effect of condition 66 is that a plan of action to bring forward either an alternative use or remediation rehabilitation is required and that any development of the Site under the permission for the permitted development (as amended) will be required to be replaced by the proposals contained in the plan of action or remediation rehabilitation scheme. An application to discharge the condition should include both a scheme of rehabilitation and a plan of action as alternatives. This makes sense of the condition since it achieves a resolution of the future of the permission, in accordance with the purpose of the condition.

It should be noted that the application site for the IWWMF site was included within the planning application areas for the mineral extraction of both sites A3 and A4 (ESS/24/14/BTE and subsequent variations) and later site A5 (ESS/03/18/BTE and subsequent variations). Under these planning applications, restoration schemes were included as to how the IWWMF site would be restored should the IWWMF not progress.

A proposed "alternative use" under the plan of action that is not that already permitted under the existing planning permission (Ref ESS/34/15/TE) would need to be judged against the current policy position and context; this is because the effect of condition 66 is to approve a use or development which will supersede the current authorised use. However, while the "Plan of action" may set out a way forward to achieve an alternative use for the site, anything that is not that already permitted would need to be subject of a new planning application supported by all the necessary supporting information, and potentially require Environmental Impact Assessment, to enable proper consideration of the individual merits of the alternative use. It is not possible under condition 66 to give express planning permission for the "Alternative Use" (unless the same as that already granted planning permission), only a "Plan of action" of how that "Alternative use" might be achieved. The applicant does have the right of appeal should the details be refused or against any condition(s) imposed on any approval.

The timeline for submission under condition 66 was specified and has now expired. It is not therefore possible for a further submission under condition 66 to be made.

## **B INTERPRETATION OF CONDITION 66 AND WHAT IS REQUIRED**

As explained previously condition 66 was added to the conditions of the IWWMF



permission as part of the determination by the WPA of planning application ESS/34/15/BTE.

At the time ESS/34/15/BTE was determined no EP from the EA had been obtained for the IWMF. The purpose of the condition was to seek to ensure that, if the IWMF were implemented but did not ultimately gain an EP or failed to be constructed, there was a mechanism by which the site would be put to alternative beneficial use or the site rehabilitated. The IWMF has subsequently obtained an EP and thus the IWMF has both an implemented extant planning permission and an EP to operate.

Condition 66 requires that if the site was not in beneficial use within 5 years from commencement i.e. by 2 March 2021, then within 6 months (2 September 2021) an application for a scheme of rehabilitation or a plan of action for an alternative use should be made for approval by the WPA.

When originally imposed, the condition did not anticipate the current scenario whereby the implementation of the planning permission was positively progressing but that the site had not been brought into beneficial use. At the time the condition was imposed it was anticipated that within the 5 years an EP would either have been gained and the IWMF completed or that potentially an EP might not have been gained and that the WPA needed a mechanism to minimise the environmental impacts of a partially implemented site, but stalled development.

Representations have also been made that the wording of the condition should allow the WPA to prevent development of the IWMF, as 5 years have elapsed and there is no beneficial use of the site. Notification of commencement i.e. implementation of the planning permission, was given to the WPA in accordance with Condition 1 and it was confirmed by the WPA that the permission had been lawfully implemented on 2 March 2016. Thus, at this stage, there remains an extant permission.

However, the effect of condition 66 is that its mechanism overtakes the originally permitted use and provides for the replacement with either a "Plan of Action" to seek to achieve an alternative use or for rehabilitation of the site, whichever is approved by the WPA. Because the purpose of the condition is to achieve a position by which the adverse environmental impacts of incomplete implementation will be minimised (see the reason for the condition), the application under the condition must include both options: a plan of action for an alternative use and a scheme of rehabilitation as an alternative.

Consistent with its purpose, the condition envisages that, if the "Plan of action for the alternative use" is refused, there will be rehabilitation of the site and that, therefore, an application would allow the WPA to refuse the plan of action for an alternative use but allow rehabilitation. If only a plan of action for an alternative use was capable of being applied for, without the alternative rehabilitation option, and the application was refused (and dismissed on appeal), then the site would remain in its partially developed state, contrary to the purpose of the condition. Consequently, both options should have been applied for, but the application is only for a plan of action for an alternative use. The consequences of this are dealt with below.

It is the WPA view, having taken legal advice, that the condition does not allow for the use permitted under the planning permission and the “alternative use” to come forward simultaneously. Where a plan of action for alternative use proposes any development that requires express planning permission, whilst the plan of action to achieve that “alternative use” might be considered acceptable (such as the timescale for submission of an application), the actual principle and detail of the alternative use could only be properly considered through a separate planning application, with the appropriate supporting information (such as for the provision of the incinerator element of the CHP in isolation).

As there is no definition of “alternative use” in condition 66 the alternative use could be something which is the same as the use permitted under the current planning permission (ESS/34/15/BTE).

Consideration of the 3 Options put forward within the plan of action by the applicant is set out in sections E to G below.

It should be noted that the Department of Levelling Up, Communities & Local Government has requested that before a decision is issued with respect to the application, the SoS is given an opportunity to consider whether he wishes to intervene.

Some letters of representation have raised concern that the submission does not include “plans”. The dictionary definition of a “plan of action” is “*an organised programme of measures to be taken in order to achieve a goal*”. Comments have been made that it was envisaged that the “plan of action” should include drawings as to what is proposed, but the word “plan” in this context (or in its natural meaning) was not intended to mean a drawing and thus drawings are not required.

## C WHETHER THERE IS CURRENTLY A BREACH OF PLANNING CONTROL

There has been much concern raised by local councils and representees that there is a breach of planning control due to the fact that Indaver has openly indicated that it is not clear whether all elements of the IWWMF would be built and, at the current time, are only focussing on building the incinerator element of the CHP. It is agreed that the correct interpretation of the planning permission is that all of the approved development (as set out on Plans 1-9A and 10A as conditioned by condition 2) must be carried out for the development to lawfully operate.

The conditions imposed do not prevent the building of the incinerator element of the CHP first. The extant planning permission is not restrictive in what order the individual components of the IWWMF should be constructed.

The WPA has taken legal advice on the interpretation of the planning permission and the advice received is that constructing the incinerator element first is not in breach of the planning permission, as long as the construction is in accordance with the planning permission. Statements by the applicant that other elements of the IWWMF may not be viable only at this stage gives an indication that other elements may not be built; not that they will not be built. In general terms, unlawful development must take place before any action can be taken by planning

authorities to remedy any breach of planning control, such action satisfying the test of being expedient to do so. At this time, it is considered there is no breach of planning control.

The applicant and its agents have expressed the view that to build the incinerator, without building all the other elements, would not be in breach of the planning permission. Such a contention is wrong. If the incinerator is constructed or commences operation and the other parts of the IWMF are not built and are unable to be integrated with the incinerator, it is the WPA's view that there would be a breach of planning control. The reasoning as to why the WPA take this view is set out below. Alternatively, if there is a clear statement that not all of the uses will be carried out, this will be sufficient to establish that the planning permission is not being completed in accordance with its terms. At the current time the applicant has not categorically stated in writing that it will not build other elements of the IWMF, as permitted. Indeed, option 1 of the condition 66 approval application is based upon all elements being carried out.

Considering the natural meaning of the words used in the description of the development in the planning permission, the description is of an "Integrated Waste Management Facility" which "comprises" certain elements. Naturally read it is considered that "comprises" means "amounts to" or "is"; that is, supported by the use of the word "integrated" – i.e. including the identified elements. Consistent with that description, the nature of that facility is identified in the plans identified in condition 2. Plans 1-9A and 10A identify each of the elements specified in the description of development and show how the facility would operate in an "integrated" manner. It is therefore considered plain that the "Integrated Waste Management Facility" is a development which includes all of the identified elements; the conditions require that to be carried out.

The interpretation of the planning permission is that it is for an integrated facility and was considered and granted on this basis.

The Inspector (in making his recommendation following the call-in inquiry in 2009/10) and the WPA (in considering subsequent applications) took into account all elements of the IWMF and how they would provide an integrated facility, maximising recycling and maximising the use of heat and steam, through a combination of power generation and direct use of the heat and steam to reprocess waste paper, in order to deliver a sustainable development.

It is evident within the Inspector's report and the subsequent WPA officer reports (ESS/34/15/BTE), that the consideration as to the acceptability of the IWMF in planning terms was on the basis that all elements of the IWMF would be delivered to result in sustainable development.

Extracts are set out below from the Inspector's Report of March 2010, with numbers indicating the paragraph from which the extract has been taken. (A copy of the Inspector Report is at Appendix A.) These extracts evidence that the 2008 application was considered by the Inspector on the basis of an integrated facility.

It should be noted that at the time of public inquiry the IWMF was referred to by the applicant as the eRCF (evolution of the Recycling Composting Facility).

Extract from Inspector's report section on "Prevailing Planning Policy":

13.4 "...it seems to me that the MDIP [Market De-ink Paper Pulp] is an integrated part of the eRCF designed to recover high quality pulp from waste."

Extracts from Inspector's report on "The quality of the design and sustainability implications":

13.16 "It seems to me that each of the waste management processes within the eRCF would benefit from the proposed integration with others. However, there is sufficient capacity in each of the processes to allow for variation thereby providing flexibility of use. "

13.17 "The integrated nature of the development would enable the power supply required to run the entire plant to be self generated at a lower carbon emission rate than electricity drawn from the National Grid."

13.19 "The use of SRF in the proposed CHP plant and the export of electricity to the National Grid would contribute to meeting the Government's Renewable Energy target of producing 15% of UK energy from renewables by 2020. The contribution would be increased by the proposed co-location of the MDIP and its consumption of heat from the CHP plant."

13.22 "...I conclude that the design of the eRCF is of high quality and that it would be a sustainable form of development which would enable the management of waste to be undertaken in a sustainable manner."

Extracts from Inspector's report on "Consistency with PPS10" [PPS10 – Planning for Sustainable Waste Management]:

13.32 "The eRCF would provide various means of dealing with waste, all of which would help to reduce the need for landfill. The various elements of the integrated plant would recycle waste, produce compost, and create energy from waste."

13.35 "The proposed facility would help to deliver these objectives by moving waste up the hierarchy. It would recover recyclables, produce compost and reduce the need for disposal of residual material to landfill by using such material as a fuel for combustion in the CHP plant. It would also use imported SRF from other permitted waste management facilities in Essex, which might otherwise go to landfill. The scheme would generate electricity and provide a specialized facility for the recovery of recycled paper. Although the combustion of waste is only one step above landfilling in the waste hierarchy, the CHP is only one of the facilities that would be available at the eRCF. In my judgment, this integrated plant would allow the anticipated waste arisings to be managed as far up the waste hierarchy as reasonably and practically possible. Moreover, it would significantly reduce the amount of residual waste that would need to be sent to landfill. In these respects the proposal is in accord with the objectives of PPS10."

13.38 *“The eRCF would allow Essex to increase its provision of sustainable waste management, secure increases in recycling and recovery, and reduce carbon emissions.”*

13.40 *“Overall, I am satisfied that the proposal is consistent with the key planning objectives set out in PPS10. It would help to deliver sustainable development by driving waste management up the waste hierarchy and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. With regard to self sufficiency, the facility would meet a need in the region to deal with MSW and/or C&I waste.”*

Extracts from Inspector’s report on *“The need for the proposed facility”*:

13.45 *“The CHP would reduce the need for landfilling of residuals from the MBT, and by using residues from the paper pulp recovery process as a fuel, it would remove a need for offsite disposal of such material and the potential for it to be sent to landfill.”*

13.48 *The eRCF has the potential to increase still further the amount of recycling, treatment and recovery of waste in the County, and it seems to me that such facilities will be necessary to help ECC to meet its waste targets.”*

13.49 *“I appreciate the concern that recyclable material should not be incinerated. Such an approach encourages the treatment of waste at a lower level in the waste hierarchy than need be the case. However, the application proposal would provide facilities to maximise the recovery of recyclable material and there is no reason to believe that materials which could reasonably be recycled would be used as fuel in the CHP.”*

13.50 *“The proposed MDIP at Rivenhall would be capable of meeting the needs of Essex and the East of England in terms of the recycling and recovery of high quality paper, thus meeting WSE 2007 key objectives. The facility is likely to stimulate greater recovery of high quality paper waste. I agree with the applicants that it would help to divert a significant quantity of paper and card from landfill.”*

13.51 *“The individual elements of the integrated plant would also help to satisfy various needs, including the need to move the treatment of waste further up the waste hierarchy and minimise the amount of waste that would otherwise be sent to landfill.”*

Extracts from Inspector’s report on *“The viability of the proposal”*:

13.57 *“A plant which is capable of dealing with large quantities of MSW and/or C&I waste (and in this case is combined with a specialised waste paper facility), provides considerable flexibility in terms of the type of waste that could be treated and the customers that could be served. It seems to me that such flexibility helps to maximise the economic viability of the*

project.”

13.64 *“It is arguable that the integrated nature of the proposed eRCF; its exceptionally large scale; and the very significant amount of investment that would obviously be needed for its development would, in combination, result in a degree of inflexibility. On the other hand, the modular nature of the design, the flexibility of capacity of each process, and ability to make alterations to various modules would allow the eRCF to be adapted to varying compositions of waste. Moreover, the multiple autonomous process lines would allow a particular process to be upgraded in stages if necessary. For example, a CHP process line could be upgraded or replaced without shutting down the entire CHP process. In this respect, the large scale of the development provides opportunity for changes to be made to the process without endangering the overall viability of the operation.”*

13.65 *“On balance, I consider that the design of the proposal and its multiple autonomous process lines would provide a reasonable and sufficient degree of flexibility to enable future changes in the composition of waste and the ways in which waste is managed to be accommodated. In this respect, the scheme would not be detrimental to the achievement of increased rates of recycling.”*

Extracts from Inspector’s report on “Conditions and obligations”:

13.161 *“I consider that the provisions of the S106 agreement are necessary to ensure that the necessary highway and access works are completed at the appropriate time in the interests of road safety; ...;to ensure the MDIP is operated as an integral part of the IWMF...”*

Within the conclusion of the officer’s report in 2016 is also evidence that when considering the extant planning permission (ESS/34/15/BTE), it was considered on the basis of an integrated facility as per the extracts below:

“The Inspector in considering the original application stated

*The eRCF is consistent with the key planning objectives set out in PPS10 [now superseded and embodied within the NPPW]. It would help to deliver sustainable development by driving waste management up the waste hierarchy and addressing waste as a resource. It would reduce the need for disposal by landfill and would recycle waste into marketable products. Moreover, it would have benefits in terms of climate change. It would also contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community and assist in the implementation of ECC’s strategy to provide a framework within which the community takes more responsibility for its own waste. The eRCF would contribute to the implementation of the national waste strategy.*

It is not considered that the proposed changes would undermine these original conclusions. The proposal is sustainable development, in that it meets the needs of Essex & Southend; contributes to the sustainable management of waste; provides recycling capacity for C & I waste; provides

reprocessing capacity for recovered paper efficiently using on site heat and power; provides a source of energy offsetting fossil fuels and reducing greenhouse gases from alternative forms of energy, better waste management, in particular by providing capacity to divert C & I waste from landfill; and is in accordance with the principles of the waste hierarchy set out in the National Planning Policy for Waste.

The development is therefore considered to represent sustainable development for the purposes of the NPPF and is considered to comply with the relevant policies of the development plan taken as a whole.”

*Note: C & I is commercial and industrial waste.*

The WPA do not accept that the development of the incinerator element of the CHP could be operated alone under the existing planning permission.

The WPA considers that to operate the incinerator without all elements of the IWMF developed and integrated with it would be in breach of the planning permission (ESS/34/15/BTE).

If the developer should not construct the IWMF in accordance with the planning permission (which includes the permitted drawings), then the WPA would need to consider how to address any breach of planning control in the usual way, including whether enforcement action was appropriate to remedy any harm caused.

#### D APPRAISAL OF THE INFORMATION SUBMITTED TO DISCHARGE THE CONDITION

The applicant has indicated 3 potential options in their “plan of action”, as described in section 3.

As has been indicated above, there is an issue in that the current application does not propose any rehabilitation as an alternative option and, to that extent, it is defective. However, there are restoration proposals approved under subsequent minerals permissions providing for restoration of the site should the IWMF not have progressed. Whilst it could be argued that the application is invalid, the WPA must have regard to the ultimate expediency of enforcement action if it refuses to consider the application. In that regard, since a plan of action has been proposed, should this be regarded as acceptable, enforcement action could not be considered expedient because the applicant would only need to put in a planning application for the proposals and this (on the assumption that it is granted planning permission) would override any enforcement action undertaken at this stage. In these circumstances, the WPA considers it appropriate to consider the merits of the plan of action, in spite of the deficiencies of the application. The WPA also considers that, given that 3 separate options are proposed, each of which are proposed by the applicant to be acceptable, it may approve only one or more than one of the options.

Option 1 – is to seek to build out the IWMF as permitted

Should the other elements of the IWMF (namely MBT, AD, MRF and MDIP) not be

brought forward due to technical and/or commercial reasons then the applicant has indicated 2 potential alternative ways forward.

Option 2 - To build out those that are commercially and technically viable, which could involve building only the incinerator

or

Option 3 -To submit an application/applications/development consent order for planning permission for alternative waste management and/or energy generation uses.

The WPA is of the view that it should consider each of these options against the Development Plan and other material considerations. Appraisal of the three Options is set out in the subsequent 3 sections of this report – E, F and G.

## E APPRAISAL OF OPTION 1

Option 1 – is to seek to build out the IWMMF, as permitted

Condition 66 when drafted, as previously mentioned, did not anticipate the scenario that within 5 years of implementation of the planning permission i.e. 2 March 2021 the IWMMF would not be in beneficial use but was positively progressing to achieve its operation. The condition sought to ensure that the site was either rehabilitated or there was a “Plan of action” in place to achieve an alternative beneficial use.

The applicant under Option 1 has proposed to continue implementation of the extant planning permission, with beneficial use planned by early 2026. As mentioned previously, at the current time the works being carried out are considered to be in accordance with the planning permission. The works to construct the site infrastructure (including the extraction of the overburden to create the void in which the facility would sit and works to take forward the refurbishment of the Woodhouse Farm Listing Building complex) are all in accordance with existing planning permission.

The applicant has indicated that it is likely to take 3 to 4 years (i.e. until 2025/26) to construct the IWMMF, which is longer than originally proposed (24 months construction). No condition was imposed in the planning permission that restricted the period within which the development was required to be constructed, save for Condition 66. The applicant has provided an anticipated construction timeline that shows why it is predicted that construction period will be longer than originally envisaged.

This longer period of construction would also result in a longer period of the impacts arising from construction, such as construction traffic, noise, dust, light pollution, visual and landscape impacts and a longer period of extended construction hours permitted by condition 35 (7am to 7pm Monday to Sunday, but not public holidays). However, mitigation was included in the application for the IWMMF (ESS/37/08/BTE) and conditions imposed in the extant permission to minimise the environmental impacts.



While there have been amendments to National planning policy and updated Development Plan documents since the consideration of the IWMF planning permission in 2016, these changes have not given rise to any significant changes in the objectives and aims of the planning policy since consideration of the IWMF proposals in 2016.

The Waste Local Plan adopted in 2017 confirmed the site of the IWMF as a Strategic Site Allocation (IWMF2) under policy 3 (for residual non hazardous waste management and biological waste management. The IWMF would provide a treatment facility for biological treatment of waste, via the AD facility and in part from the MBT facility. The MRF, CHP and MRF elements of the IWMF would provide waste treatment for residual non hazardous waste. The MRF would provide an opportunity for waste imported to the site to be processed to remove any remaining recyclates prior to incineration. The MDIP would provide a facility to reprocess waste paper utilising the heat and steam directly from the CHP.

Policy 3 of the WLP also requires “Waste Management ...will be permitted where proposals take into account the requirements identified in the relevant development principles:...”.

The development principles for site IWMF2 are set out below in italics with appraisal of conformity below each principle.

*The following specific issues and opportunities are to be addressed:*

- *Any development of the site would need to ensure mineral traffic associated with the quarry (MLP sites A3, A4, A5, A6 and A7) is still able to utilise the existing access road to the A120.*

The access road to the IWMF as permitted would not hinder utilisation of the access road to the A120 for mineral traffic to Bradwell Quarry.

- *Widening of private haul road to two way working and improvement of minor road crossings (as identified in S106 attached to extant planning consent for IWMF)*

Widening of the access road and improvement of the crossings is secured through existing conditions and the existing S106.

- *Waste traffic would use the existing access, which would be required to be made to a standard suitable for road traffic from the existing mineral processing area to the waste site. HGV movements would be restricted in line with current permitted movements to avoid adverse impacts to the A120. Provision of screening on south-west, south-east and northern boundaries would be important. Views from the Essex Way should be screened. The access road to the facility should be at low level with planting on both sides of the access road.*

The access road details have been submitted and approved and require a standard suitable for road traffic. Conditions limit HGV movements to 404 movements per day. Tree planting details have been approved providing planting on the south-west, south-east and northern boundaries. The Essex Way is screened by existing vegetation. The access road is permitted at low level and planting provided at natural ground levels screening views of HGV traffic on the extended access road.

- *Future built development to be at low level, with the bulk of any structure to be below ground level. Tree Preservation Order (TPO) to be protected as much as possible and management of surrounding TPO woodland suggested to maximise screening and biodiversity value.*

The main IWMF buildings are located below natural ground levels and the maximum amount of TPO area has been retained, supplement by additional planting and biodiversity enhancements.

- *The impacts from the proposal need to be addressed on the designated buildings located in the vicinity - especially on the setting of the Woodhouse Farm Listed Building.*

The height of the chimney is restricted by condition to minimise its impact upon the setting of Woodhouse Farm Listed Building complex.

- *Right of Ways – Kelvedon footpath 8 runs close to the site and its route should be protected.*

Footpath 8 which passes through the Woodhouse Farm Complex has been retained on its original route.

- *Dust mitigation measures, limits on duration (hours of operation) and noise standards (from noise sensitive properties) will be established in the interests of protecting local amenity.*

Conditions have been imposed to control dust, restrict hours of working both during construction and operation and maximum noise limits set at sensitive properties, noise monitoring is required to show compliance, including a requirement for an updated noise assessment upon installation of plant and process equipment.

- *If the proposed site layout cannot accommodate the statutory easements (relevant to existing infrastructure on the site) the diversion of the existing assets may need to be considered. Any activity that requires excavation should only proceed with caution, and the existing underground infrastructure must be supported and protected and not be put at risk from disturbance.*

The WPA is not aware of the need to divert any existing infrastructure.

Concern has been expressed within representations received to this submission that, since the applications (ESS/36/17/BTE and ESS/37/17/BTE) to increase the height of the stack were refused partly on the grounds that it had not been demonstrated there was a need for the facility, there must be a case that the IWMF is no longer needed. It was necessary to consider need (especially the CHP's capacity) at that time because it had not been demonstrated that the increased stack height would not give rise to adverse impact on landscape, visual amenity and heritage impact and therefore it was necessary to assess whether there was a need within Essex and Southend for the capacity of the IWMF that outweighed the identified harm caused by the increased stack height.

With respect to need, it should be noted that, at the time of the consideration of the stack height increase, the MBT at Tovi Eco Park in Basildon was operational and treating the majority of Essex's residual Municipal Solid Waste (MSW). This MBT ceased to receive residual waste in June 2020 and the majority of Essex's MSW, is now going to landfill, which is considered the lowest option on the Waste Hierarchy – i.e. "Disposal without recovery". The assessment of waste arising and treatment capacity in 2018 for the stack height increase applications showed that approximately 250,000 of commercial and industrial waste was going to landfill, could be potentially diverted to Rivenhall and that the Tovi Eco Park was generating approximately 200,000tpa of refuse derived fuel from 400,000tpa of residual Municipal Solid Waste (MSW). Thus, there was a total potential 450,000tpa of material that could be diverted to Rivenhall CHP, considerably less than the 595,000tpa capacity of the CHP. However, with the loss of Tovi Eco MBT, the potential quantity of suitable material that could potentially be diverted to Rivenhall rises to 650,000tpa (C & I 250,000tpa and MSW 400,000tpa). While it is likely there will be some changes to the assessments made in 2018, within Essex the WPA has not dealt with any applications for facilities with substantial treatment capacity that would substantially change the treatment capacity assessed in 2018. It is therefore considered that at the current time there is a need for the Rivenhall CHP. However, it should be emphasised that just because there may be a need for the treatment capacity provided by Rivenhall CHP, it does not mean that waste arising in Essex would be treated at Rivenhall, as this this would depend on Indaver gaining contracts to do so.

Considerable concern has been raised during the various planning applications associated with the IWMF, including with respect to this submission, as to the potential for adverse impacts from emissions, particularly on the health of residents in the area. Pollution control is matter for control through the EP administered by the EA. When considering previous planning applications, an EP had not been obtained. However, an Environmental Permit has been issued for the IWMF as permitted by planning permission ESS/34/15/BTE, such that it has been adequately demonstrated to the EA, that the IWMF could operate within the required pollution control standards.

The role of the WPA and the EA is set out in paragraph 188 of the NPPF :

*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.*

Concern has been expressed by objectors that the IWMF will not contribute to mitigating climate change due the CO<sub>2</sub> that would be emitted to the local area from the facility.

The NPPF (para 152) seeks to "shape places in ways that contribute to radical reductions in greenhouse gas emissions". The NPPW (Section 1) recognises the role that driving waste up the Waste Hierarchy has on mitigating and adapting to climate change.

Strategic Objectives (SO4 and SO6) of the WLP are to provide for net self-

sufficiency i.e. ensuring there is adequate capacity within Essex and Southend to deal with the waste arisings within Essex and Southend, such that waste should not be required to transported unnecessary distances.

Landfill contributes to greenhouse emissions, thus diversion from landfilling contributes to reducing greenhouse gases.

The IWMF would contribute to the shortfalls identified in Policy 1 of the WLP of both “biological treatment for non-hazardous organic waste” and “further management of non-hazardous residual waste” and as such would contribute to net self-sufficiency.

Policy 11 of the WLP seeks to minimise the potential contribution waste management would make to climate change “*by reducing greenhouse gas emissions, incorporating energy and water efficient design measures and being adaptable to future climate conditions*”.

Policy 11 sets out a number of factors that will be considered in the determination of applications.

These include inter alia:

- *through transportation related to the development to limit greenhouse gas emissions.* The co-location of the MRF and MBT with CHP as permitted reduces the need for transport movements between such facilities.
- *through sustainable drainage systems.* The IWMF as permitted would capture all site surface water for use in the IWMF, however this might need to be supplemented with river water. Waste water generated by the MDIP would be treated on site within the waste water treatment facility. This waste treatment facility would use, heat, steam and energy generated by the CHP to help treat the waste water.
- *where proposals are capable of directly producing energy to demonstrate that excess heat can be directed to a commercial or industrial user of heat.* The IWMF as permitted would use the heat and steam from the CHP directly in the MDIP and waste water treatment plant and energy generated by the facility would offset energy required to power the IWMF itself.
- *where proposals include AD the gas is either direct to a gas pipeline or stored for use as a fuel.* In the case of the permitted IWMF the gas from the AD facility is being used directly within the CHP to generate electricity.

The Resource and Waste Strategy 2018 supports these principles but goes further as set out below:

*England has around 40 EfW plants. Eight operate in Combined Heat and Power (CHP) mode, delivering greater efficiency than solely generating electricity. We want to help the companies that run EfW plants to use the heat produced to improve their efficiency, and to help industry make the right decisions over infrastructure investment.*

*Work is underway across Government to make the remaining plants more efficient, by assessing and removing barriers to making use of heat produced when incinerating waste. The Department for Business, Energy and Industrial Strategy (BEIS) has a Heat Networks Investment Project, with a £320m capital fund, and we are working to ensure that this project helps to utilise EfW plants as a source of heat for district heat networks where possible. As part of the review of the Waste Management Plan for England in 2019, Defra will work with the Ministry of Housing, Communities and Local Government (MHCLG) to ensure that the Waste Management Plan for England and the National Planning Policy for Waste and its supporting planning practice guidance reflects the policies set out in this Strategy. This will consider how to ensure, where appropriate, future plants are situated near potential heat customers.*

*In addition, we will work closely with industry to secure a substantial increase in the number of EfW plants that are formally recognised as achieving recovery status, and will ensure that all future EfW plants achieve recovery status.*

This has been further reiterated in The Environment Plan 2018 and Waste Management Plan for England 2021.

The EA (in considering the granted EP) commented as follow in the decision document with respect to energy recovery: *“The Operator has not presented an R1 calculation with this application, nor have we received a separate application for a determination of whether the installation is a recovery or disposal facility. The Operator has obtained accreditation under the Defra Good Quality CHP Scheme. This process does not form part of the matters relevant to our determination, but forms part of financial aspects of the project drawing down funding through Renewable Obligations Credits (ROCs). Gaining accreditation under the scheme is however an indication of achieving a high level of energy recovery”*.

Thus, it would appear the IWMF as permitted is relatively efficient in terms of its energy recovery.

It is acknowledged that incineration of waste is now not considered a renewable energy (unless the waste source is biogenic only). However, the use of waste as an energy source does reduce the need to use of fossil fuels and, unlike renewable sources such as wind and solar, are not weather/time of day dependent, thus helping to provide energy security from a non fossil fuel source.

In considering this proposed “alternative use”, i.e. the continuation of the implementation of the extant planning permission it is within the remit of the WPA to apply appropriate additional conditions. Because the proposed “alternative use” under the plan of action will replace the development permitted under the planning permission, the WPA is able to consider imposing conditions on the approval which meet the policy tests in the NPPF and the legal requirements of a condition, namely, that it is relevant to planning, fairly and reasonably related to the development being permitted and reasonable.

In view of the national policy emphasis on ensuring that EfW facilities operate in heat and power mode rather than just power mode, it is felt appropriate to clarify

that the IWWMF should be operated as permitted i.e. with all elements operational, to ensure it delivers sustainable development and as such it is appropriate an additional condition should be imposed to ensure all elements of the IWWMF are delivered and operated in an integrated manner. This condition meets the tests identified above.

In conclusion with respect to Option 1 the continuation of the development of the IWWMF in accordance with the planning permission, constructing and operating all elements of the IWWMF would deliver the sustainable development previously considered and compliant with the Development Plan. However, it is considered appropriate to impose an additional condition to the planning permission to clarify all elements of the IWWMF must be constructed, operated and integrated to ensure delivery of the sustainable development.

## F APPRAISAL OF OPTION 2

Under Option 2 the applicant has indicated there is the possibility of the incinerator alone to be completed as a standalone EfW Facility, not as a CHP, but power generation only, with potentially no other permitted elements of the IWWMF to be constructed and/or operated, particularly with no direct use for the heat and steam generated. Indaver and their agents have indicated that they do not believe this would be in breach of the current planning permission i.e. that the EfW facility could operate as power generator only. As explained previously, this is not the view of the WPA having taken its own legal advice.

The operation of an EfW in isolation with no direct use of the heat and steam would require different justification and consideration than that where the heat and steam is used directly on site. Without the DIMP facility on site there would be no direct use of the heat and steam, which was a significant factor taken into account by the Inspector when considering whether the IWWMF amounted to sustainable development.

The WLP policy 11 seeks to encourage direct use of heat from waste facilities:

*“3. Proposals which are capable of directly producing energy or a fuel from waste should, where reasonably practicable, demonstrate that: a. excess heat can be supplied locally to a district heat network or directed to commercial or industrial users of heat;”*

The NPPW 2014 (section 4) requires WPAs to seek to co-locate heat users with low carbon energy recovery facilities:

*“...looking for opportunities to co-locate waste management facilities together and with complementary activities. Where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers;”*

It is acknowledged that incineration of residual waste is not a fully low carbon energy recovery facility, as the waste will likely contain non-renewable resources

such as plastics. However, the principle of co-locating a heat user with an EfW is encouraged.

Since the determination of the application in 2016 for the IWMF the Resources and Waste Strategy 2018, The Environment Plan 2018 and the Waste Management Plan For England 2021 have been published. All emphasise and highlight the need for EfW facilities to operate in both power and heat mode rather than just power mode.

One of the actions of The Resources and Waste Strategy is

*Actions we will take include: 3.2.1 Driving greater efficiency of Energy from Waste (EfW) plants by encouraging use of the heat the plants produce.*

One of The Environment Plan's stated actions is *"Looking at ways to increase the use of heat produced at waste facilities through better connections to heat networks. The facilities will become more efficient and emit less carbon dioxide."*

This emphasis is reiterated in the Waste Management Plan for England (January 2021) :

*"We have committed in the Resources and Waste Strategy to drive greater efficiency of energy from waste plants by encouraging use of the heat the plants produce. We also want to work closely with industry to secure a substantial increase in the number of energy from waste plants that are formally recognised as achieving recovery (R1) status, and to ensure all future energy from waste plants achieve recovery status. To deliver net zero virtually all heat will need to be decarbonised and heat networks will form a vital component of this. Energy from waste has a role to play in supplying this heat, but currently only around a quarter of energy from waste plants operate in combined heat and power mode, despite most being enabled to do so. We want to see this number increase"*

Option 2, of operating the EfW in power only mode, would not be supported by these recent Government policy statements. It is not doubted that surplus heat and steam could be used to generate more electricity. This is in fact demonstrated by the applicant in Option 3 (put forward as part of this application) that the energy generation might exceed 50MW requiring a DCO from SoS, but this is not as efficient as using the heat and steam directly in a facility on site, which is the situation with the IWMF as permitted.

It can be foreseen that an EfW facility generating only power could be located within the existing physical envelope of the IWMF, such that factors such as heritage impact, landscape and visual impact, ecological impact, light impact, highway impacts, could be unaffected by the change. However, other factors, such as impacts on air quality, noise impact, impacts on the water environment may be different, depending on the nature and operation of a standalone EfW only generating power, such factors would require reassessment. This reassessment would most appropriately be via a new planning application, supported by an updated Environmental Impact Assessment. Also, as indicated by the EA, it may require a new EP.

The applicant is of the view that Option 2 can be progressed without the need for express planning permission. This is not the view of the WPA and, as the plan of action for Option 2 does not propose the submission of a planning application with necessary supporting information/Environmental Statement to test the acceptability of such an Alternative use, the “Plan of action for a standalone EfW” should be refused.

## G APPRAISAL OF OPTION 3

The applicant has indicated that, throughout the construction period for the EfW element of the IWMF they would assess the commercial and technical viability of other elements of the IWMF and, if unviable (commercially or technically) would look for potential alternatives.

The applicant has acknowledged that such alternatives would require planning permission and such applications would need to be considered on their individual merits at that time. This might include an application/applications to the WPA or an application to the SoS for a Development Consent Order.

Potential alternative waste management facilities have been suggested by the applicant that could be co-located with the EfW. One suggestion is a facility to process the incinerator bottom ash (IBA) to produce a secondary aggregate. Alternatively, this IBA would otherwise have to be exported from the site unprocessed for reprocessing elsewhere or for disposal. Another alternative suggested by the applicant is for a facility for dealing with bulky household waste.

The applicant has also indicated that they may wish to apply to allow power generation beyond 50MW, which would require a Development Consent Order from the SoS. Concern has been raised that the input capacity of the EfW would be increased to achieve this increased electricity generation. The applicant has advised that at the current time it is not their intention to increase the input capacity of the incinerator beyond that previously stated of 595,000tpa. It has been explained the increase in generation capacity would arise from a combination of a more efficient EfW plant and the possibility that the heat and steam, rather being as part of a CHP, would be used to generate electricity as an alternative. It would be for the SoS to consider such an application and the application would be determined against national and local planning policy and other material considerations.

Much concern has been raised as to the environmental impacts of an EfW and the sustainability of the proposals, particularly in light of the major concern with respect to CO<sub>2</sub> and the negative contribution to climate change. Such factors would be taken into consideration in accordance with local and national planning guidance if and when further planning applications are considered by the SoS or the WPA.

Option 3 rightly acknowledges that any potential alternative uses of the site would require planning permission and potentially a Development Consent Order from the SoS.

It is only appropriate to approve one “Plan of Action” and, as the applicant has proposed under Option 1 for the continuation of the extant planning permission,



which is actively ongoing, Option 3 is not proposed to be approved. However, this does not of course prevent the applicant coming forward with other planning and/or DCO applications supported by the necessary information and Environmental Statements at some stage. The WPA is aware that initial discussions have commenced with the Planning Inspectorate with respect to a potential DCO application.

#### H IMPLICATIONS IF NONE OF THE OPTIONS WERE APPROVED TO DISCHARGE CONDITION 66

If all Options were refused the condition would remain undischarged. The applicant has the right of appeal.

It should be emphasised that refusing all three options would not prevent the applicant from continuing to develop the IWMF, as long as it was in accordance with the planning permission and until resolution of the condition 66 process, potentially through an appeal. If the appeal were dismissed then the WPA would need to consider whether it was expedient to take enforcement action to achieve rehabilitation of the site in accordance with the approach which is required to be taken under condition 66 (as properly interpreted) – i.e., given no acceptable alternative use under a plan of action, rehabilitation should take place.

If refused, the applicant could alternatively seek to delete the condition through a section 73 (deletion or variation of a condition), so as not to be in breach of the condition.

If no successful appeal or submission was made and the applicant continued to develop the site in accordance with the extant planning permission, the WPA would need to consider whether enforcement action was expedient.

As stated before, if the developer were found to not be developing the site in accordance with the planning permission, then the WPA would need to consider enforcement action at that time.

#### I ENVIRONMENTAL PERMIT

Comments have been made by the public that the suggested changes were not considered as part of the determination of the current EP issued by the EA.

The EA have commented that the suggested options by the applicant do have implications to the EP, either requiring changes or a new EP, depending on the nature of the changes. The incinerator could not operate until any necessary changes to the EP have been obtained from the EA.

#### J LEGAL ADVICE

It will have been noted within the report that legal advice has been sought in relation to the consideration of this application and the planning status of the current planning permission. The full details of this legal advice have not been included, only referenced where necessary to facilitate determination of the application. The legal advice is subject to legal privilege i.e. the right to resist

disclosure of confidential and potentially sensitive material in the context of litigation and investigations, including in relation to potential enforcement. Therefore requests from interested parties to see this legal advice are expected to be resisted.

## K CONCLUSION

The consideration of the application to discharge condition 66 has to be on the basis of the details submitted with respect to “a plan of action for an alternative use”, referred to by the applicant as a “plan of action”.

The applicant has put forward three potential Options and each of these options has been considered against the Development Plan and other material considerations.

It is concluded that only Option 1 should be approved. This would be the continuation of the IWFM as permitted, subject to an additional condition to provide clarification. In particular, the additional condition clarifies that all elements of the IWFM are required to be brought into operation in tandem with the CHP facility. The condition is to ensure the IWFM delivers the sustainable development as originally proposed, namely that the heat and steam is used directly on site in the MDIP. It is permissible to impose such a condition for the reasons explained in Sections A and E. In particular, it is considered that the condition is necessary to ensure the appropriate implementation of Option 1. There are no reasons to suggest that if the IWFM is implemented as permitted it would no longer comply with the Development Plan, the site remains an allocated site within the extant Waste Local Plan and the permitted development accords with the allocation, as explained in Section E.

Whether the IWFM is built out in full, as permitted, remains to be seen, as explained more fully in section C. However, should the non-EfW elements of the IWFM not be built out and operated as part of the approved scheme, then consideration afresh would need to be made whether the development complies with waste planning policy and any other material considerations, such as national waste guidance and policy. Such considerations would need to be taken into account before any recommendation could be made whether or not it would, for example, be considered expedient to take enforcement action

Option 2, where potentially only an EfW generating electricity is delivered. This option is considered by the applicant to be permissible under the current planning permission. This is not the view of the WPA; such development would give rise to different issues that would need to be considered afresh, through a planning application. Insufficient information has been provided to allow an assessment both in terms of any additional environmental impacts and whether an EfW that only generates electricity is in conformity with current national policy seeking to ensure EfW operates in both power and heat mode to maximise the efficiency and sustainability of the development. Insufficient information has been provided to justify option 2. It is therefore considered that this option does not warrant support and should be refused.

Option 3 suggests potential new waste management developments at the site,

which the applicant acknowledges would require further planning applications. Such applications can come forward at any stage regardless of condition 66 and therefore it not considered necessary or appropriate to approve Option 3 and it should be refused.

## 8. RECOMMENDED

Subject to there being no intervention by the SoS, with respect to the 3 Options put forward to discharge condition 66:

Plan of action Option 1 be approved subject to the development of the IWMF being implemented in accordance with:

- a) all the conditions of planning permission ESS/34/15/BTE and for the avoidance of doubt a condition to be imposed on the approval to clarify such as set out below:

### Condition 69

Plan of action Option 1 as detailed in letter from RPA dated 1 September 2021 shall be implemented in accordance with

- a) the conditions of planning permission ESS/34/15/BTE dated 26 February 2016;
- b) any details approved under those conditions or to be approved under those conditions;
- c) Non Material Amendments References ESS/34/15/BTE/NMA1 and ESS/4/15/BTE/NMA2 or any subsequently approved Non Material Amendments; and
- d) the obligations set out in the Section 106 Legal agreement dated 20 October 2009 as amended by deeds of variations dated 1 December 2014, 26 March 2015 and 26 February 2016.

*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 drawings, details (except as varied by other conditions), to ensure that the development is Sustainable Development and is carried out with the minimum harm to the local environment and in accordance with the NPPF, NPPW, Essex Minerals Local Plan 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, Essex and Southend Waste Local Plan 2017 (WLP) policies 1, 3, 10, 11 and 12, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106;*

- b) A further additional condition to ensure all elements of the IWMF are constructed, operated and integrated as set out below

### Condition 70

There shall be no beneficial operation of the Combined Heat and Power (CHP) plant without all other elements of the IWMF i.e. Market De Ink Paper Pulp Plant

(MDIP) Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) plant, Anaerobic Digestion (AD) plant, Waste Water Treatment Plant and all other permitted associated infrastructure having been constructed and available for beneficial operation. For the avoidance of doubt the CHP shall not operate without the MDIP utilising the heat and steam directly from the CHP.

*Reason: To ensure the development delivers Sustainable Development in accordance with the Development Plan. To ensure the development operates in an integrated manner, in particular that the CHP operates in conjunction with the de ink paper pulp plant, such that the facility operates as a combined heat and power facility delivering greater efficiency rather than solely generating electricity in accordance with WLP policy 11, Resources and Waste Strategy 2018 and The Environment Plan for England 2021;*

- c) subject to the obligations set out in the Section 106 Legal agreement dated 20 October 2009 as amended by deeds of variations dated 1 December 2014, 26 March 2015 and 26 February 2016.

Plan of action Option 2 be refused for the following reason:

It has not been demonstrated that the part development of the IWMF would amount to sustainable development contrary to the NPPF and does not accord with the Waste and Resource Strategy, The Environment Plan and The Waste Management Plan for England and WLP policy 11 in that the EfW would only generate electricity rather than utilising the heat directly. Insufficient information has been submitted to determine whether there would be additional adverse environmental effects contrary to the WLP policy 10. Furthermore, because in order to assess whether an EfW only generating electricity amounts to Sustainable Development would require a separate planning application with relevant supporting information/Environmental Impact Assessment to be submitted for such.

Plan of action Option 3 be refused for the following reason:

The acceptability of the proposed alternative waste management facilities could only be considered by way of a planning application with associated details and where necessary Environmental Impact Assessment.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **LIST OF APPENDICES**

Appendix A The Inspector's Report dated March 2010  
Appendix B SoS Decision March 2010  
Appendix C The planning permission February 2016  
Appendix D The applicant's letter to address the requirements of condition 66

## **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.

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

In determining this 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 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.

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## **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Braintree Eastern  
BRAINTREE – Witham Northern

## **ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION**

### **COMMITTEE 25 FEBRUARY 2022**

#### **Item 4.1 (DR/06/22) Rivenhall IWMF, Coggeshall Road (A120), Braintree**

##### Page 66 REPRESENTATIONS

Add- A further letter has been received from Priti Patel MP (attached at APPENDIX H)

In summary the further concerns raised are

- waste incineration is viewed as being a less favourable approach and through the Government's Resources and Waste Strategy as there is an increased focus on waste reduction, re-use and recycling.
- The proposed plan of action from Indaver to address condition 66 is unacceptable as all three options they have put forward fail to provide certainty and the application should be refused.
- No scheme of rehabilitation was submitted and therefore should be refused.
- That there is continued uncertainty that the permitted facility would be delivered as the applicant has stated that they do not think that they can deliver the integrated waste management facilities in full.
- There would be continued uncertainty and impact on the local community and Option 1 should therefore be refused.
- Refusing the application would enable the Council to take enforcement action to stop the development.
- There are strong material grounds to refuse the application including on environmental and climate change grounds.
- Approving Option 1 conflicts with planning and environmental policy.
- If granted, conditions should be tightened to ensure the facility is constructed as permitted. All the component parts of the IWMF should be constructed and ready for beneficial operation at the same time rather, than as suggested with the proposed condition.
- A scheme for rehabilitation should be sought by condition as well as a deadline imposed for completion of the IWMF.

##### Page 78 Section 7 APPRAISAL

Replace the list of key issues for consideration with the following

#### A. NATURE OF THE APPLICATION

#### B. INTERPRETATION OF CONDITION 66 AND WHAT IS REQUIRED

C. WHETHER THERE IS CURRENTLY A BREACH OF PLANNING CONTROL

D. APPRAISAL OF THE INFORMATION SUBMITTED TO DISCHARGE THE CONDITION

E. APPRAISAL OF OPTION 1

F. APPRAISAL OF OPTION 2

G. APPRAISAL OF OPTION 3

GG. APPRAISAL OF THE PLAN OF ACTION, AS A WHOLE (STAGED APPROACH)

H. IMPLICATIONS IF NONE OF THE OPTIONS WERE APPROVED TO DISCHARGE CONDITION 66

I. ENVIRONMENTAL PERMIT

J. LEGAL ADVICE

JJ. LAWFULNESS OF APPROACH

K. CONCLUSION

Page 96 New section before section H

**GG. APPRAISAL OF THE PLAN OF ACTION, AS A WHOLE (STAGED APPROACH)**

Since publication of the report the applicant's solicitors Herbert Smith Freehills have submitted a letter dated 22 February 2022. The letter is attached to the Addendum and forms Appendix G to Agenda Item 4.1.

The applicant's solicitor considers that the Plan of Action should have been considered as a whole.

If this position was accepted by the WPA, it is likely that a recommendation to refuse the whole plan of action would have been reached, especially as the WPA could not fully appraise Option 2 without a further planning application being lodged (for example a standalone EFW facility) and necessary Environmental Impact Assessment (EIA). As such it would not be anticipated (and has not been offered) that this submission (to discharge Condition 66) should have come forward with such information that would be needed to support a planning application.

In any case, if that was the position, it would be unlikely that the (whole) Plan of Action could be determined until such a fresh permission for an alternative (viable) waste management proposal was in place, which, without prejudice, would not be certain given the highlighted concerns regarding sustainable development and current and future policy approaches to such.

Therefore, and taking into account the requirement to determine the submission swiftly, the only course of action would be for the WPA to recommend refusal of the whole Plan of Action. It is not considered that the applicant could supply any further information at this stage that could make Option 2 acceptable, except by way of a new planning application (and EIA) and subsequent decision on such, as stated.

The WPA remains of the view that it is not possible under Condition 66 to give express planning permission for something that is not that already permitted by the extant permission; it could only approve a plan of action as to how an alternative use might be brought forward. If Option 2 had included, for instance, that the applicant was to submit a planning application for only parts of the permitted IWMP, with an estimated timescale for the same and the following sequential steps, then, potentially, the Plan of Action as a whole could have been approved,. But that is not the case and, as the letter from the applicant's solicitor points out, it would not be for the WPA to seek to propose "*approval of a plan of action which is substantially different from that for which approval was sought*" by effectively re-writing what was submitted.

If the Plan of Action was considered as a whole and refused, the applicant would be in breach of Condition 66. The only way they could resolve that is by a successful appeal against the refusal. If the Options are considered separately, as currently appraised in the report, the applicant could appeal the refusal of Option 2 or appeal the conditions imposed on Option 1 or appeal refusal of Option 3 or a combination of such.

Whichever way the application details pursuant to the Condition 66 submission are interpreted, the underlying difference of opinion is whether a different waste management development may be built and operated at this site without all the approved elements of the IWMP being constructed and operated in an integrated manner.

If the applicant remains of the view that, for example, the EFW facility may be developed without other elements of the IWMP being constructed and operated, this may, at some stage, need to be tested at appeal or by way of other challenge and it is at the applicant's discretion whether or not to do that in the absence of any future planning permission (either by DCO or issued by the WPA) being in place.

Page 97

Insert new section JJ before section K



## JJ. LAWFULNESS OF APPROACH

As explained previously, since publication of the report the applicant's solicitors Herbert Smith Freehills have submitted a letter dated 22 February 2022. The letter is attached to the Addendum circulated at the meeting and forms Appendix G to Agenda Item 4.1.

The letter indicates that it would be "*not be appropriate and unlawful*" for the Council to determine the application as the current report contains "*fundamental flaws*".

### Applicant's solicitor's letter sub heading "Misunderstanding of submitted Plan of Action"

The applicant considers that the scope of the decision making is defined by the application that is made and that the WPA can only approve, approve subject to lawful conditions or refuse the whole "plan of action" (inclusive of all the 3 options).

They then go on to state that that the Plan of Action described a staged approach, to be followed in sequence, thus is an integral whole, it "*does not present Options from which the Council may select at its discretion.*"

Thus the applicant does not accept that the WPA may approve only one or more of the options. The applicant considers that, as this misunderstanding underpins the entire approach of the Report, the recommendation is for "*approval of a plan of action which is substantially different from that for which approval was sought*".

They say that "*the necessity for this staged approach is explained within the Application*".

The 'Application' is the submission letter dated 1 September 2021 (at Appendix D page 296-298 of this report) which explained the current position of the applicant's development, some of the detail of future commissioning timelines, the fact that a scheme of rehabilitation was not considered sensible and that (under Plan of Action, page 297) "*proposes the following staged plan of action which we believe reflects the circumstances and decisions we currently face. They are presented in a manner which aims to provide the planning authority with transparency in relation to our intentions for the site. In sequence the plan is:*" and then proceeds to set out what it identifies as 1,2 and 3 with indications that they are "*options*" and a "*stage*", some of which are in combination, with 'option' being the primary reference to each of those 3 scenarios thereafter.

While it is accepted that reference is made to a staged approach within the applicant's original submission letter at Appendix D it is not the case that it is actually a staged approach, especially as the applicant states that sequentially, whilst "*option*" 1 would come first, it may be that "*options*" 2 "*or/and*" 3 would follow (and either stand independently or follow in sequence). Whilst the approach may have

been signalled as a “staged” approach it is clear that sequentially there are several option scenarios that the applicant claims they might pursue.

Option 1 is to implement the whole development as implemented.

It is stated in the application letter that if elements of Option 1 are unviable for “technical or commercial reasons” the applicant is “likely to wish to resort to options under stage 2 or 3 of the plan of action” (top of page 198), clearly indicating that Option 2 doesn’t need to have been pursued before Option 3 could be commenced. It is known that the applicant has already approached the Planning Inspectorate with respect to the potential submission of a DCO which forms part of the proposed plan of action under Option 3. This supports the WPA’s impression that Option 2 does not have to have occurred for Option 3 to be progressed.

The applicant also considers that the WPA’s unlawful approach is unfair as Condition 66 “requires the approved plan [of action]” to be implemented by the operator within 6 months”.

If Option 1 were to be approved by the WPA, under Option 1 the applicant submitted a timetable as part of the submission for Condition 66 that showed that the development would likely be completed by early 2026 (page 296 of this report). Accordingly, it is not considered that the approval of Option 1 alone requires any ‘alternative use’ to be completed within 6 months of approval, only that the applicant implement the plan of action contained in Option 1. As Option 1 is technically ratifying the implementation of the development permitted under planning permission ESS/34/15/BTE it is not considered that it would be “fundamentally and patently unfair” to approve a plan of action (for Option 1) that is consistent with the extant planning permission.

#### Applicant’s solicitor’s letter sub heading “Refusal of Option 2”

The applicant considers the WPA’s position that Option 2 should be refused because it would only allow the partial implementation of the planning permission, which is in breach of the planning permission, is wrong.

The applicant considers that the Inspector’s report expressly rejected this through his refusal of the proposed condition that “no element of the development may be implemented in isolation of others” (see condition 23 at page 239 of the report).

The Inspector did state, as referred to by the applicant, he wished to allow “flexibility to accommodate future changes in waste arisings and in waste management techniques and practices” (see paragraph 13.61 at page 200). However, it is considered that this quote needs to be taken in context. The Inspector, whilst acknowledging there needed to be some flexibility in the changes in waste arising and waste management techniques and practices, did not envisage that potentially there would only be an incinerator element coming forward as part of the IWMP.

The IWMF that was granted planning permission permits the heat and steam to be used to process waste paper, not to be used simply to generate more energy, which is a less efficient use of the heat and steam and as explained in the Report. This is not in accordance with the more recent position of central government trying to drive the more sustainable use of energy from waste facilities which is now coming forward, as explained on pages 91 and 92 of the report.

Also, without the other elements of the IWMF, it is considered (for reasons explained in the report) that the facility would not deliver sustainable development as permitted (as required by the Development Plan and national policy) as, for one, it would not push waste management higher up the waste hierarchy. For example, without the materials recycling facility there would be no opportunity to recover any recyclates from waste imported to the IWMF.

The applicant considers that the WPA's recommendation to refuse Option 2 is "*unlawful*" and "*manifestly unreasonable*", because the applicant considers that the WPA is wrong in its interpretation of the extant planning permission that it requires development of the facility as a whole and also consider that it would still be "*manifestly unreasonable*", even if the WPA's interpretation was correct.

Ultimately there is a difference of opinion on this point. Should members be minded to follow the officer recommendation, the applicant is entitled to appeal the refusal of Option 2 (as a part of the parts of the submitted plan of action that the WPA does not consider can be approved) and therefore it is not considered unlawful or unreasonable to refuse Option 2 as there is a method of remedy open to the applicant should the WPA's interpretation of the planning permission be found to be incorrect. The interpretation of the extant planning permission would need to be considered as part of the appeal. The applicant has indeed suggested in paragraph 1.6 of the letter at Appendix G (with this Addendum) that an appeal may be lodged in this respect.

The applicant suggests that the WPA is not complying with the NPPF in that it is not taking a positive and creative approach to the proposed development under Option 2. As explained in the report on page 94, the operation of potentially the EFW facility in isolation would give rise to different impacts, which could only be appropriately considered through a new planning application, supported by an updated EIA. As explained on page 95 of the report it is not the view of the WPA that a submission under Condition 66 could grant a standalone permission for alternative development that needs express planning permission in its own right.

### Applicant's solicitor's letter heading "Refusal of Option 3"

The applicant once again contends that it is not possible for the WPA to refuse Option 3 as the applicant considered the Plan of Action to include all 3 options. It is also said that, if the WPA wanted to understand better the timescale for such applications proposed under Option 3, it could have sought this additional

information; it could have formed part of the “plan of action” following discussions or imposed a condition requiring submission of such information.

As stated previously the WPA is not of the view that the “plan of action” requires to be considered as a whole; each option has the ability to be progressed regardless of whether another option is or is not progressed. Option 3 is stated to be an “*and/or*” to Option 2 and Options 2 and 3 are both stated to be a “*resort*” to the applicant being “*unable to bring forward all parts of the consented development*”. Option 3, as acknowledged by the applicant (at paragraph 1.5.3 (A) of the letter at Appendix G (with the Addendum)), requires the submission of further application(s) to either the WPA or the Planning Inspectorate. The applicant is free to submit such applications at any stage regardless of any timescales that might have been submitted in the Application letter containing the plan of action and which related to Option 3.

The applicant states because they consider any decision would be unlawful and unreasonable that they would appeal any decision and to avoid such an appeal request that the item be deferred such that the

- a) misunderstandings of the application can be addressed,
- b) allow submission of any further information required, and
- c) enable Indaver to respond in full to the legal analysis set out in the report.

This is dealt with below.

#### Consideration of the Plan Of Action if taken as a staged approach i.e. as a whole

The applicant considers that the Plan of Action should have been considered as a whole.

If this position was accepted by the WPA, it is likely that a recommendation to refuse the whole plan of action would have been reached, especially as the WPA could not fully appraise Option 2 without a further planning application being lodged (for example a standalone EFW facility) and necessary EIA. As such it would not be anticipated (and has not been offered) that this submission (to discharge Condition 66) should have come forward with such information that would be needed to support a planning application.

In any case, if that was the position, it would be unlikely that the (whole) Plan of Action could be determined until such a fresh permission for an (viable) waste management proposal was in place, which, without prejudice, would not be certain given the highlighted concerns regarding sustainable development and current and future policy approaches to such. For example if a standalone EFW facility was applied for it is considered that, without the utilisation of the heat and steam offtake, this would not be in line with National waste policy, which seeks to move EFW facilities away from just power mode to heat and power mode.

Therefore, and taking into account the requirement to determine the submission swiftly, the only course of action would be for the WPA to recommend refusal of the whole plan of action. It is not considered that the applicant could supply any further information at this stage that could make Option 2 acceptable, except by way of a new planning application (and EIA) and subsequent decision on such, as stated.

The WPA remains of the view that it is not possible under Condition 66 to give express planning permission for something that is not that already permitted by the extant permission; only approve a plan of action as to how an alternative use might be brought forward. If Option 2 had included, for instance, that the applicant was to submit a planning application to bring forward only part of the IWMF e.g. a standalone EFW facility, with an estimated timescale for the same and the following sequential steps, then, potentially, the Plan of Action as a whole could have been approved. But that is not the case [and, as the letter from the applicant's solicitor points out, it would not be for the WPA to seek to propose "*approval of a plan of action which is substantially different from that for which approval was sought*" by effectively re-writing what was submitted.

If the Plan of Action was considered as a whole and refused, the applicant would be in breach of Condition 66. The only way they could resolve that is by a successful appeal against the refusal. If the Options are considered separately, as currently appraised in the report, the applicant could appeal the refusal of Option 2 or appeal the conditions imposed on Option 1 or appeal refusal of Option 3 or a combination of such.

Whichever way the application details pursuant to the Condition 66 submission are interpreted; the underlying difference of opinion is whether a different waste management development may be built and operated at this site without all the approved elements of the IWMF being constructed and operated in an integrated manner.

If the applicant remains of the view that, for example, the EFW facility may be developed without other elements of the IWMF being constructed and operated, this may, at some stage, need to be tested at appeal or by way of other challenge and it is at the applicant's discretion whether or not to do this in the absence of any future planning permission (either by DCO or issued by the WPA) being in place.

#### Deferral of consideration of the application

It is the view of the WPA that a deferral of consideration of the submission would not necessarily be beneficial nor prevent a future appeal. The WPA fundamentally has a different interpretation of the extant planning permission to that of the applicant/ developer. The submission under Condition 66 has required the WPA to take advice on the matter and this advice has supported the WPA's position that the extant planning permission permits development of all elements of the IWMF – in

integration - to effectively deliver sustainable waste management development as originally considered and granted permission.

If it is established by the applicant/developer that it is technically or commercially unviable to bring forward all elements of the IWMF, then the applicant/developer should, at an appropriate time, come forward with any relevant application(s), supported by any necessary supporting information, including EIA, for what is proposed to be developed. Such an application(s) could then be properly considered against the prevailing planning policy and any other material considerations.

Conclusion on the issues raised by the applicant's solicitors' letter dated 22 February 2022 (Appendix G)

It is the view of officers that there is no fundamental reason why the submission cannot be determined, as presented to members of the committee, and the recommendation on page 98 of the report remains unaltered. Should members determine the application in accordance with the officer recommendation, as stated, the applicant would have the right of appeal.

Page 97 Section K CONCLUSION

Add after last paragraph

If the Plan of Action had been taken as a staged approach i.e. as a whole, it is likely that a recommendation to refuse the whole plan of action would have been reached for the reasons explained in Section GG. If the Plan of Action was considered as a whole and refused, the applicant would be in breach of Condition 66. It is considered that by appraising the three options separately the WPA is able to approve Option 1, the continuation of the development of the IWMF, with additional condition to ensure all elements are delivered and not leave the applicant in breach of condition 66.

Page 99 LIST OF APPENDICIES

Add

Appendix G Applicant's solicitors Herbert Smith Freehills letter dated 22 February 2022

Appendix H Priti Patel letter dated 24 February 2022 received by email at 16:54

**Item 4.3 (DR/08/22) Lufkins Farm, Great Bentley Road, Frating**

RECOMMENDED

Add 'c) that it is not considered expedient to take enforcement action at this time or during the period until the legal agreement is completed and the planning permission issued. If the legal agreement is not completed, then the situation with respect to enforcement action will be reviewed at that time.'

**Item 5.1 (DR/09/22) Fairview, Fairview Road, Basildon, Essex, SS14 1PW**

RECOMMENDED

Condition 22 replace 'prior to commencement of development' with 'post demolition and prior to commencement of construction of the development hereby permitted'

Condition 23 replace 'prior to commencement of development' with 'post demolition and prior to commencement of construction of the development hereby permitted'

Page 415

APPRAISAL – NEED

4<sup>th</sup> paragraph – Delete 'Up to 70' and replace with 'Up to 60'

Page 421

2<sup>nd</sup> paragraph – Delete 'up to 70' and replace with 'up to 60'

Mr Jon Brier  
RPS Planning & Development  
RPS P&D  
Suite D10 Josephs Well  
Hanover Walk  
Leeds  
LS3 1AB

Our ref: ESS/34/15/BTE/66/01  
Your ref:  
Date: 7 March 2022

**PLEASE QUOTE REFERENCE ON ALL CORRESPONDENCE**

Dear Mr Brier

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**Application No:** ESS/34/15/BTE/66/01

**Proposal:** Details pursuant to Condition 66 (Plan of action for an alternative use or a scheme of rehabilitation) of ESS/34/15/BTE. ESS/34/15/BTE was for "Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 (Signage, Telecommunications & Lighting at Woodhouse Farm complex), 14 (Stack design and finishes), 15 (design details and construction materials), 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater



monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing - temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping - bunding & planting), 59 (trees, shrubs and hedgerows - retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points - lining and signing)"

**Location:** Rivenhall Airfield, Coggeshall Road (A120)  
Braintree, CO5 9DF

I refer to your application dated 1 September 2021 in respect of condition 66 of the above planning permission.

I hereby approve the details as set out under Option 1 of the Plan Of Action as detailed in the covering letter dated 1 September 2021 received on 2 September 2021 and additional supporting information in email dated 17 November 2021 (10:387) from RPS with attachment "IWMF High Level Programme v01", subject to the following 2 additional conditions

#### Condition 69

Plan of action Option 1 as detailed in letter from RPA dated 1 September 2021 shall be implemented in accordance with

a) the conditions of planning permission ESS/34/15/BTE dated 26 February 2016;  
b) any details approved under those conditions or to be approved under those conditions;

c) Non Material Amendments References ESS/34/15/BTE/NMA1 and ESS/4/15/BTE/NMA2 or any subsequently approved Non Material Amendments; and  
d) the obligations set out in the Section 106 Legal agreement dated 20 October 2009 as amended by deeds of variations dated 1 December 2014, 26 March 2015 and 26 February 2016.

*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 drawings, details (except as varied by other conditions), to ensure that the development is Sustainable Development and is carried out with the minimum harm to the local environment and in accordance with the NPPF, NPPW, Essex Minerals Local Plan 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, Essex and Southend Waste Local Plan 2017 (WLP) policies 1, 3, 10, 11 and 12, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106;*

And

Condition 70

There shall be no beneficial operation of the Combined Heat and Power (CHP) plant without all other elements of the Integrated Waste Management Facility (IWMF) i.e. Market De Ink Paper Pulp Plant (MDIP) Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) plant, Anaerobic Digestion (AD) plant, Waste Water Treatment Plant and all other permitted associated infrastructure having been constructed and available for beneficial operation. For the avoidance of doubt the CHP shall not operate without the MDIP utilising the heat and steam directly from the CHP. The development as permitted shall be constructed and ready for beneficial use by 31 December 2026.

*Reason: To ensure the development delivers Sustainable Development in accordance with the Development Plan. To ensure the development operates in an integrated manner, in particular that the CHP operates in conjunction with the de ink paper pulp plant, such that the facility operates as a combined heat and power facility delivering greater efficiency rather than solely generating electricity in accordance with WLP policy 11, Resources and Waste Strategy 2018 and The Environment Plan for England 2021. To ensure the development is completed within a reasonable time to minimise the impacts from construction and in accordance with Essex and Southend Waste Local Plan 2017 Policies (WLP) 10 & 11, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106.*

I hereby refuse the details as set out under Option 2 of the Plan Of Action as detailed in the covering letter dated 1 September 2021 received on 2 September 2021. The reason for refusal is set out below:

*It has not been demonstrated that the part development of the IWMF would amount to sustainable development contrary to the NPPF and does not accord with the Waste and Resource Strategy, The Environment Plan and The Waste Management Plan for England and WLP policy 11 in that the EfW would only generate electricity rather than utilising the heat directly. Insufficient information has been submitted to determine whether there would be additional adverse environmental effects contrary to the WLP policy 10. Furthermore, because in order to assess whether an EfW only generating electricity amounts to Sustainable Development would require a separate planning application with relevant supporting information/Environmental Impact Assessment to be submitted for such.*

I hereby refuse the details as set out under Option 3 of the Plan Of Action as detailed in the covering letter dated 1 September 2021 received on 2 September 2021. The reason for refusal is set out below:

*The acceptability of the proposed alternative waste management facilities could only be considered by way of a planning application with associated details and where necessary Environmental Impact Assessment.*

For details on how information will be used and held by ECC please see the County Planning Privacy Statement at <https://www.essex.gov.uk/county-planning-privacy-notice/>

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

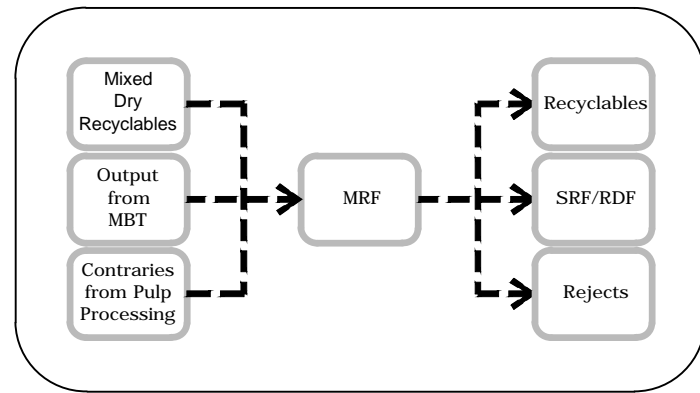
Graham Thomas - Head of Planning Service

Enquiries to: Claire Tomalin

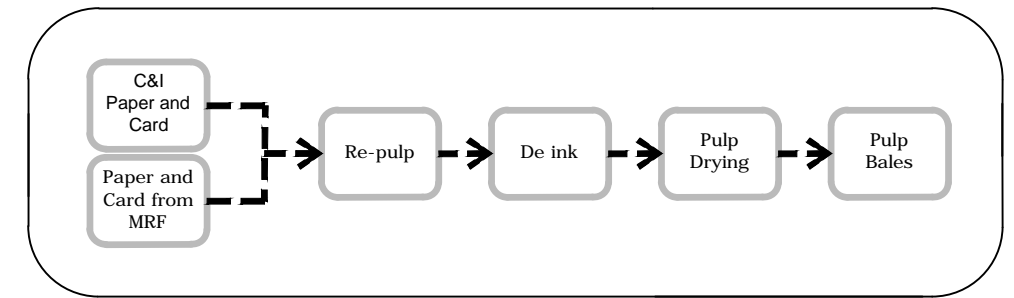
Telephone: 

Email: [mineralsandwastedm@essex.gov.uk](mailto:mineralsandwastedm@essex.gov.uk)

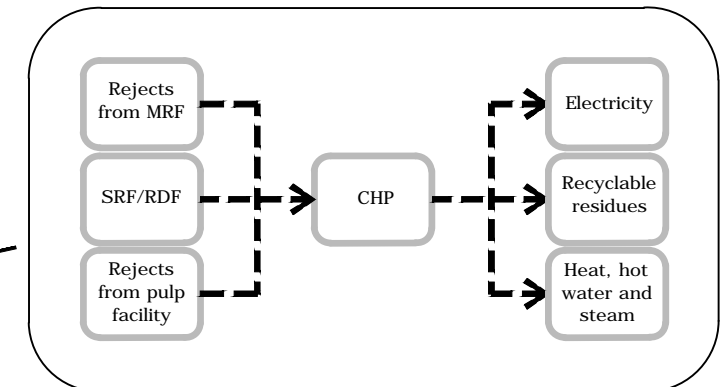
Internet: <https://planning.essex.gov.uk>



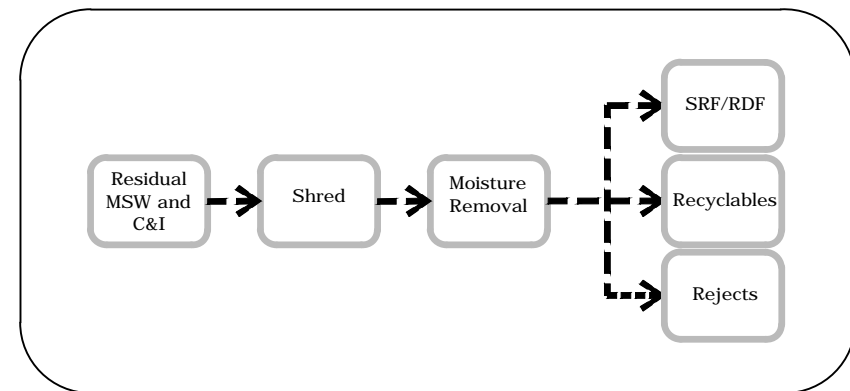
Materials Recovery Facility Process



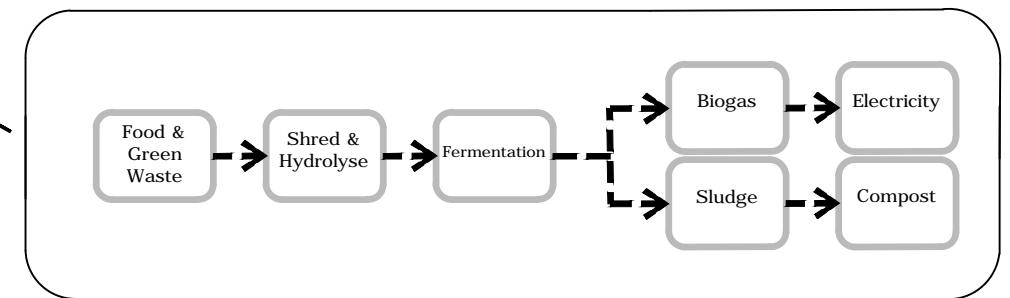
Paper Pulp Process



Combined Heat & Power Process



Mechanical Biological Treatment Process



Anaerobic Digestion Process

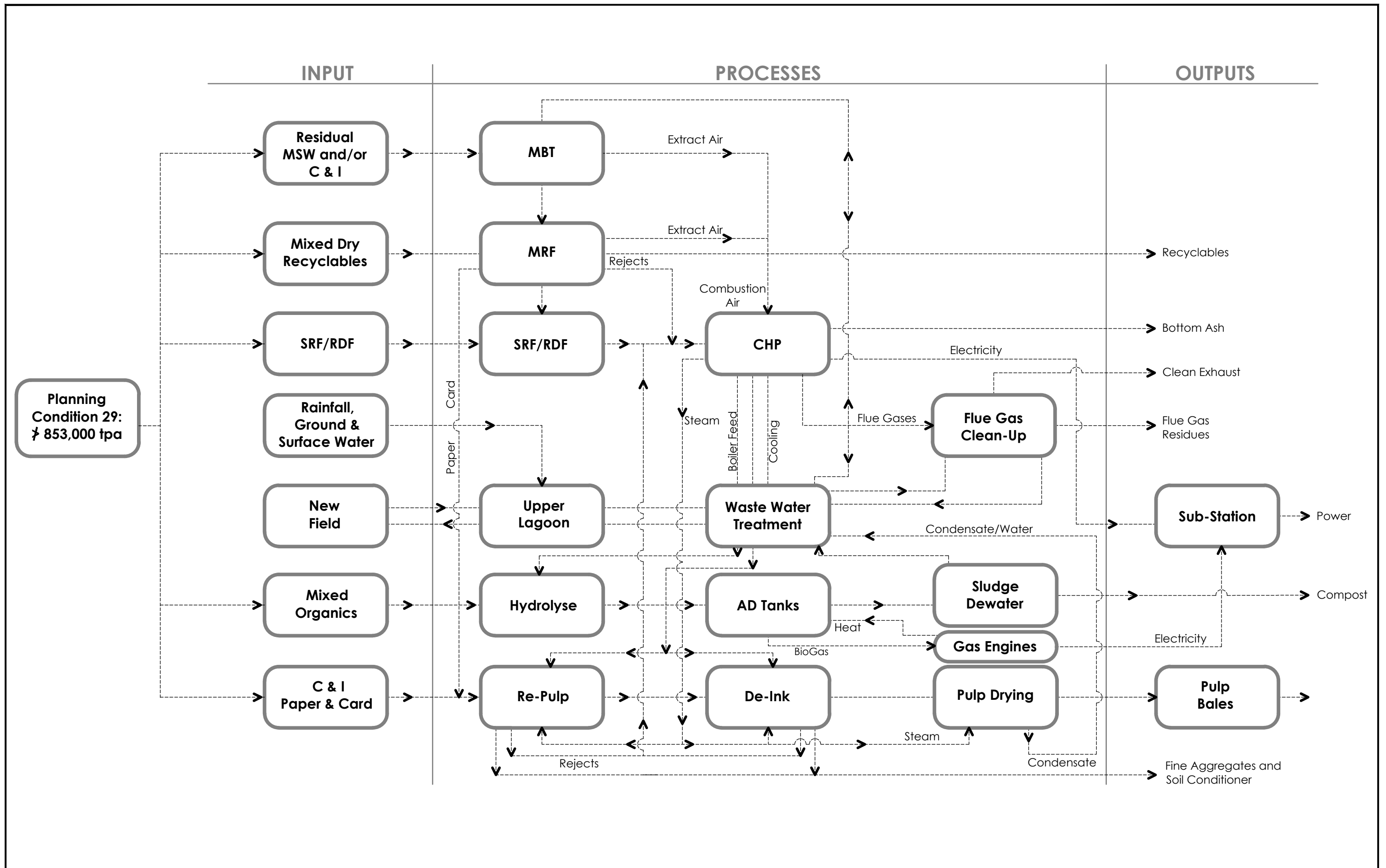
**Notes:** This drawing shows proposed IWMF process and landscape areas as indicative only. Under the Submission of Details process, final details of all process plant layout and configuration will be as approved under Condition 19, final details of all landscape details will be as approved under Condition 57, final details of all access road details will be as approved under Condition(s) 6, 62 and 63, and final details of Woodhouse Farm Car Park will be as approved under Condition 61.

**Melia Smith & Jones**  
 Consulting Civil & Structural Engineers  
 Viney Court, 58 Cardigan Lane, LEEDS LS4 2LD.  
 Tel: 0113 2306080 Website: www.msj.co.uk

Date	21/05/2015
Project No.	213033
Created by	ROS
Paper Size	A3

**Simplified Process Flow**  
**Gent Fairhead & Co. Limited, Rivenhall Airfield**  
**Proposed Integrated Waste Management Facility**

Rev	Revision	Int	Chk	Date
A	Updated Planning Details	ROS	ABM	May 2015



**Notes:** Condition 29: No Waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.

Rev	Revision	Int	Chk	Date
A	Updated Planning Details	ROS	ABM	May 2015

**Melia Smith & Jones**  
 Consulting Civil & Structural Engineers  
 Vinery Court, 58 Cardigan Lane, LEEDS LS4 2LD.  
 Tel: 0113 2306080 Website: www.msj.co.uk

Date: 21/05/2015  
 Project No.: 213033  
 Created by: ROS  
 Sheet Size: A3

Title: Integrated Process Flow  
 Gent Fairhead & Co. Limited, Rivenhall Airfield  
 Proposed Integrated Waste Management Facility

Essex County Council  
**Minerals & Waste Planning**  
County Hall  
Chelmsford  
Essex CM1 1QH



Your ref: N/A  
Our ref: N/A  
Date: 23 May 2023

Dear Sir/Madam,

**Nature of Response:** To address minerals and waste safeguarding implications arising through Rivenhall Integrated Waste Management Facility (IWMF).

**Proposal:** To increase the generating output of the consented Rivenhall IWMF ('Proposed Development').

**Location:** The development site ('Site') is located on part of the Rivenhall IWMF site ('IWMF Site') at the former Rivenhall airfield, east of Braintree.

The 'site' forms the basis for the minerals and waste safeguarding assessment set out below.

This response deals with mineral policy matters and waste policy matters in turn. A spatial representation of the site and the matters discussed can be found in Appendix One. A list of relevant designations and specific facilities which would potentially be affected are listed, with their most recent planning application reference where relevant, in Appendix Two.

## **Mineral Matters**

### **Safeguarding Mineral Resources**

Part of the site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). The MLP can be viewed on the County Council's website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/minerals-local-plan>

Policy S8 of the MLP requires that a non-mineral proposal located within an MSA which exceeds defined thresholds must be supported by a Minerals Resource Assessment to establish the existence, or otherwise, of a mineral resource capable of having economic importance. This will ascertain whether there is an opportunity for the prior extraction of that mineral to avoid the sterilisation of the resource, as required by the National Planning Policy Framework (Paragraph 210). The NPPF requires policies that encourage the prior extraction of mineral where it is practical and environmentally feasible.

At 5.5ha, the area of land associated with the proposed development that lies within an MSA for sand and gravel exceeds the 5ha threshold upon which local resource safeguarding provisions are applied for this mineral. These thresholds are defined in Policy S8 of the MLP. Policy S8 of the MLP therefore applies, and this states “... Proposals which would unnecessarily *sterilise mineral resources or conflict with the effective workings of permitted minerals development or Preferred Mineral site allocation shall be opposed.*”

**However, the proposed application area has previously worked for mineral under ESS/32/11/BTE and ESS/37/08/BTE and therefore a Minerals Resource Assessment (MRA) would not be required.**

### **Mineral Infrastructure Matters**

The site passes through a Mineral Consultation Area associated with Bradwell Quarry as shown in Appendix One and listed in Appendix Two. With regard to Mineral Consultation Areas, Policy S8 of the MLP seeks to ensure that existing and allocated mineral sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy S8 of the MLP defines Mineral Consultation Areas as extending up to 250m from the boundary of an infrastructure site or allocation for the same.

Paragraph 187 of the NPPF states that “Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

**Due to the proposed project passing through a Mineral Consultation Area, a Mineral Infrastructure Impact Assessment (MIIA) would be required as part of a planning application.** The MWPA has designed a generic schedule of information requirements that should be addressed as relevant through an MIIA. The detail to be provided should be in proportion to the nature of the proposed application.

### **Mineral Infrastructure Impact Assessment Components**

<b>Minerals Infrastructure Impact Assessment Components</b>	<b>Information requirements &amp; sources</b>
Site location, boundaries and area	Application site area in relation to safeguarded site(s), Description of proposed development,

	Timescale for proposed development,
Description of infrastructure potentially affected	Type of safeguarded facility e.g. wharf, rail depot, concrete batching plant; asphalt plant; recycled aggregate site, Type of material handled/processed/supplied, Throughput/capacity.
Potential sensitivity of proposed development as a result of the operation of existing or allocated safeguarded infrastructure (with and without mitigation)	Distance of the development from the safeguarded site at its closest point, to include the safeguarded facility and any access routes, The presence of any existing buildings or other features which naturally screen the proposed development from the safeguarded facility, Evidence addressing the ability of vehicle traffic to access, operate within and vacate the safeguarded development in line with extant planning permission, Impacts on the proposed development in relation to: <ul style="list-style-type: none"> <li>• Noise</li> <li>• Dust</li> <li>• Odour</li> <li>• Traffic</li> <li>• Visual</li> <li>• Light</li> </ul>
Potential impact of proposed development on the effective working of the safeguarded infrastructure/allocation	Loss of capacity – none, partial or total, Potential constraint on operation of facility – none or partial.
Mitigation measures to be included by the proposed development to reduce impact from existing or allocated safeguarded infrastructure	External and internal design & orientation e.g. landscaping; living & sleeping areas facing away from facility, Fabric and features e.g. acoustic screening & insulation; non-opening windows; active ventilation.
Conclusions	How the MIIA informed the final layout of the proposed development. Potential sensitivity of proposed development to effects of operation of the safeguarded infrastructure/facility and how these can be mitigated



	<p>satisfactorily; or</p> <p>If loss of site or capacity, or constraint on operation, evidence it is not required or can be re-located or provided elsewhere.</p>
--	---

A MIIA is expected to be evidence based and informed by quantified information. It is recognised that the requirements of an MIIA may be addressed through other evidence base documents, such as those addressing transport, odour and noise issues. In these instances, it would be acceptable for the MIIA to signpost to the relevant section of complementary evidence supporting the planning application. The MWPA welcomes early engagement to clarify the requirements of MIIA.

## Waste Matters

### Safeguarding Waste Infrastructure

The site passes through a Waste Consultation Areas associated with Land at Rivenhall Airfield as shown in Appendix One. Its location within a Waste Consultation Area means that an application would be subject to Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP). The WLP can be viewed on the County Council’s website via the following link:

<https://www.essex.gov.uk/minerals-waste-planning-policy/waste-local-plan>

Policy 2 of the WLP seeks to ensure that existing and allocated waste sites and infrastructure are protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation or ability to carry out their allocated function in the future. Policy 2 defines Waste Consultation Areas as extending up to 250m from the boundary of existing or allocated waste infrastructure, unless they are Water Recycling Centres, where the distance increases to 400m.

**Due to the proposed project passing through a Waste Consultation Area, a Waste Infrastructure Impact Assessment (WIIA) would be required as part of a planning application.** Based on the nature of the proposed development, development may be considered to be ‘Excluded development’ for the purposes of whether an WIIA is required (see Appendix C of the WLP). In order to satisfy the provisions of Policy 2, the MWPA has designed a generic schedule of information requirements that should be addressed as relevant within the supporting evidence of any application which falls within a Waste Consultation Area. The detail to be provided should be in proportion to the nature of the proposed application.

### Waste Infrastructure Impact Assessment Components

<b>Waste Infrastructure Assessment Components</b>	<b>Information requirements &amp; sources</b>
---	---

<p>Site location, boundaries and area</p>	<ul style="list-style-type: none"> <li>• Application site area in relation to safeguarded site(s)</li> <li>• Description of proposed development</li> <li>• Timescale for proposed development</li> </ul>
<p>Description of infrastructure potentially affected</p>	<ul style="list-style-type: none"> <li>• Nature of relevant safeguarded facility</li> <li>• Type of material handled/processed/supplied</li> <li>• Throughput/capacity</li> </ul>
<p>Potential sensitivity of proposed development as a result of the operation of existing or allocated safeguarded infrastructure</p>	<ul style="list-style-type: none"> <li>• Distance of the development from the safeguarded site at its closest point, to include the safeguarded facility and any access routes.</li> <li>• The presence of any existing buildings or other features which naturally screen the proposed development from the safeguarded facility</li> <li>• Evidence addressing the ability of vehicle traffic to access, operate within and vacate the safeguarded development in line with extant planning permission.</li> <li>• Impacts on the proposed development in relation to: <ul style="list-style-type: none"> <li>○ Noise</li> <li>○ Dust</li> <li>○ Odour</li> <li>○ Traffic</li> <li>○ Visual</li> <li>○ Light</li> </ul> </li> </ul>
<p>Potential impact of proposed development on safeguarded infrastructure/ allocation</p>	<ul style="list-style-type: none"> <li>• Loss of capacity – none, partial or total</li> <li>• Potential constraint on operation of facility – none, partial or full</li> </ul>
<p>Measures to mitigate potential impacts of operation of infrastructure on proposed development</p>	<ul style="list-style-type: none"> <li>• External and internal design &amp; orientation eg landscaping; living &amp; sleeping areas facing away from facility.</li> <li>• Fabric and features eg acoustic screening &amp; insulation; non-opening windows; active ventilation</li> </ul>
<p>Conclusions</p>	<ul style="list-style-type: none"> <li>• Sensitivity of proposed development to effects of operation of safeguarded infrastructure/facility can be mitigated satisfactorily; or</li> <li>• If loss of site or capacity, or constraint on operation, evidence it is not required or can be re-located or provided elsewhere</li> </ul>

A WIIA is expected to be evidence based and informed by quantified information. It is recognised that the requirements of a WIIA may be addressed through other evidence base documents, such as those addressing transport, odour and noise issues. In these instances, it would be acceptable for the WIIA to signpost to the relevant section of complementary evidence supporting the planning application. The MWPA welcomes early engagement to clarify the requirements of WIIA.

### **Site Waste Management Plan**

Paragraph 8 of the NPPF recognises the importance of “using natural resources prudently and minimising waste” to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.

Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development/ redevelopment. Not only does this reduce the need for mineral extraction, it also reduces the amount sent to landfill. Clause 4 specifically requires:

“The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site.”

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF and relevant development plan documents.

A SWMP would be expected to:

- present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation,
- establish strategic forecasts in relation to expected waste arisings for construction,
- include waste reduction/recycling/diversion targets, and monitor against these,
- advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Yours sincerely,



Richard Greaves  
Chief Planning Officer

Email: [\[redacted\]](#)

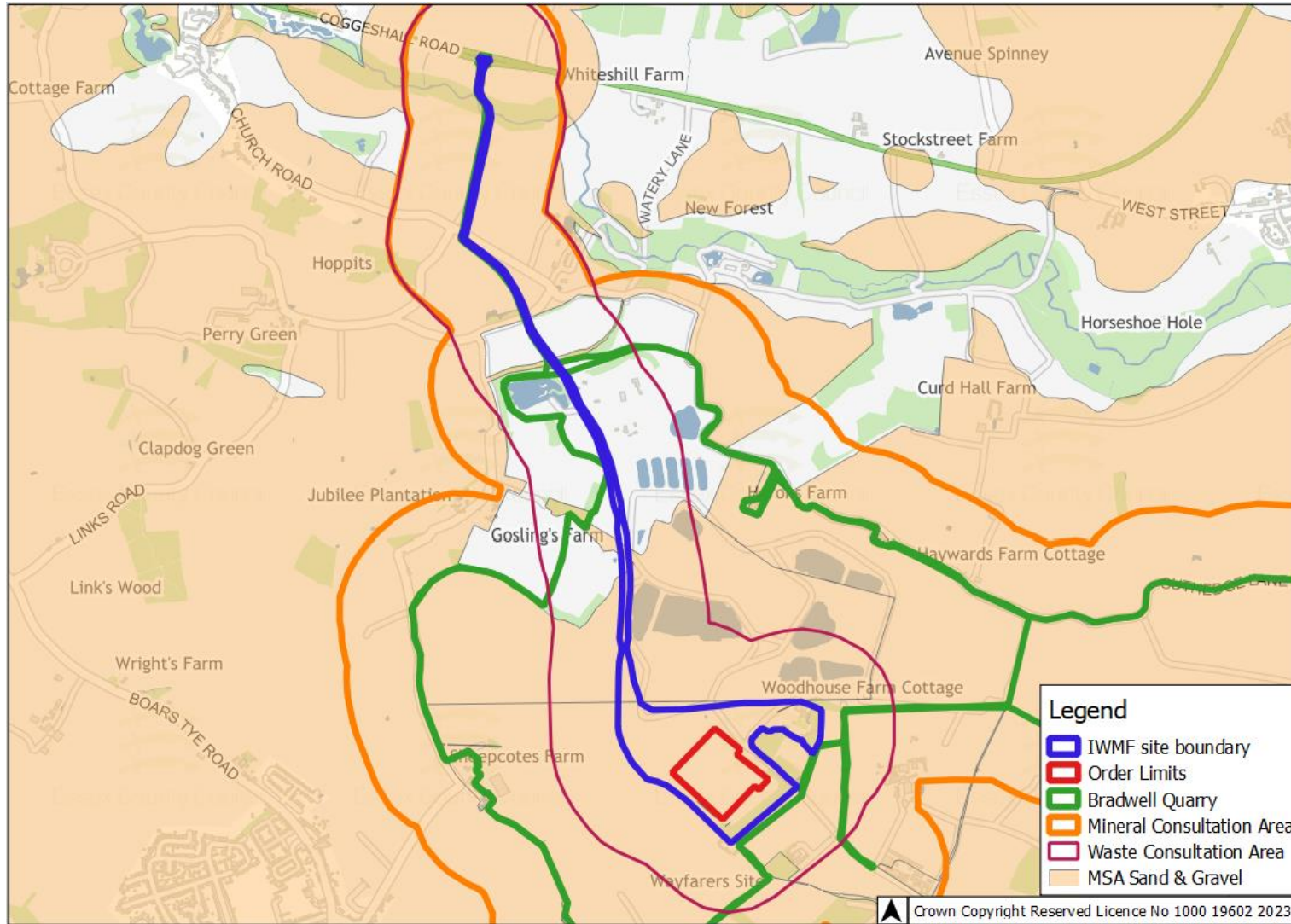
**Please direct queries to Lauren Keeling**

Telephone: [redacted]

Email: [redacted]

# Appendix One

## Map 1 – Minerals and Waste Safeguarding Screening – Full Extent of Site



## Appendix Two – Schedule of Safeguarding Designations and Safeguarded Minerals and Waste Infrastructure Relevant to The Site

Details of planning applications can be viewed on the [ECC website](#), by accepting the disclaimer and then searching on the planning reference

### Schedule of Mineral Infrastructure and Designations within the Site

Site type	Site name and address	Planning application number and description	Further Details
<p>Mineral Safeguarding Areas</p> <p>Policy implications set out under ‘Mineral Matters – Safeguarding Mineral Resources’. Subject to MSA designation – Policy 8 of the Essex Minerals Local Plan 2014</p> <p>Spatial extent shown in Appendix One.</p>	Sand and gravel	N/A	
<p>MLP Allocations or Safeguarded Mineral Development Sites</p> <p>Policy implications set out under ‘Mineral Matters –</p>	Bradwell Quarry, Church Road, Bradwell, CM77 8EP	ESS/79/20/BTE - Continuation of development without compliance with condition 2 (Application details) and condition 68 (Phasing) of ESS/03/18/BTE to allow amended timescales for phasing of working and	Temporary - 31 December 2022

<p>Safeguarding Mineral Infrastructure'. Subject to MCA designations – Policy S8 of Essex Minerals Local Plan 2014.</p> <p>Spatial extent shown in Appendix One.</p>		<p>restoration (Part retrospective). ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)</p>	
	<p>Bradwell Quarry, Church Road, Bradwell, CM77 8EP</p>	<p>ESS/106/22/BTE - Continuation of development permitted by ESS/79/20/BTE without compliance with conditions 2 and 71 (Application details) and conditions 6, 7, 18, and 72 (time related conditions) to allow amended timescales for the completion of the Site A5 quarrying and restoration operations and completion of restoration of other areas within Bradwell Quarry originally granted under planning permission ESS/03/18/BTE (as amended by</p>	<p>Out to consultation</p>

		<p>ESS/79/20/BTE). ESS/03/18/BTE was for "Extraction of 2 million tonnes of sand and gravel (from Site A5 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems and extension of the internal haul road into Site A5 with restoration to agriculture and biodiversity (species rich grassland and wetland)</p>	
	<p>Bradwell Quarry, Church Road, Bradwell, CM77 8EP</p>	<p>ESS/12/20/BTE - Extraction of 6.5 million tonnes of sand and gravel (from Site A7 as identified in the Essex Minerals Local Plan 2014) including the retention of the existing access onto the A120, the processing plant (including sand and gravel washing plant), office and weighbridge, ready mix concrete plant, bagging unit, DSM plant, water and silt management systems. In addition, extension of the internal haul road into Site A7 and access for private and support vehicles to the Site A7 contractors' compound</p>	<p>Temporary 22 August 2024</p>



		via Woodhouse Lane and Cuthedge Lane. Restoration of Site A7 to agriculture and biodiversity (species rich grassland and wetland).	
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**Schedule of Waste Infrastructure and Designations within the Application Site**

<b>Site type</b>	<b>Site name and address</b>	<b>Planning application number and description</b>	<b>Further Details</b>
<p>WLP Allocations or Safeguarded Waste Development Sites</p> <p>Policy implications set out under 'Waste Matters – Safeguarding Waste Infrastructure'. Subject to WCA designations – Policy 2 of the Essex and Southend-on-Sea Waste Local Plan 2017.</p> <p>Spatial extent shown in Appendix One.</p>	<p>Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF</p>	<p>ESS/34/15/BTE - Variation of condition 2 (application drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility.</p>	<p>Permanent</p>

Essex County Council  
Planning Service  
Economy, Localities & Public Health  
County Hall  
Chelmsford  
Essex CM1 1QH



Karen Wilkinson  
Environmental Services  
Operations Group 3  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Our ref: Rivenhall NSIP  
Your Ref EN10123  
Date: 23 May 2023

By email:  
[rivenhallwfm@planninginspectorate.gov.uk](mailto:rivenhallwfm@planninginspectorate.gov.uk)

Dear Ms Wilkinson

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017(the EIA Regulations) –  
Regulations 10 and 11**

**Application by Indaver Rivenhall LTD (the Applicant) for an Order granting  
Development Consent for the Rivenhall IWMF and Energy Centre (the Proposed  
Development)**

Thank you for consulting Essex County Council (ECC) on the above Scoping Opinion request.

Before providing comments on the proposed Scoping Opinion, the Authority would wish to raise a number of matters, which would have an impact upon the scope of any EIA that would support the NSIP application.

Description of "Proposed Development"

The proposals are described in the EIA Scoping Report. It is noted that description used in your consultation letter is "Rivenhall IWMF and Energy Centre (the Proposed Development)", while the Scoping Report refers to "Rivenhall IWMF". (IWMF standing for Integrated Waste Management Facility). Neither description, in the opinion of ECC, clearly conveys the nature of the application.

The Scoping Report goes on to describe the Development Consent Order (DCO) to be applied for as seeking “to increase the generating output of the consented Rivenhall IWMF (‘Proposed Development’). The differences in descriptions of the proposed development are rather confusing. For example, is the application for the IWMF, for the IWMF with an Energy Centre or a change to an existing element of the IWMF?

Planning permission for the Rivenhall IWMF was originally granted planning permission by the Secretary of State (SoS) in 2010 following a call-in inquiry. A copy of the Inspector’s Report and SoS Decision are attached as Appendix A and B. The planning permission has been subject to a number of S73/variation applications; the most relevant being that made in 2015 ECC Ref. ESS/34/15/BTE granted in March 2016, determined by ECC as Waste Planning Authority (WPA). This application sort to amend the capacities of various elements of the IWMF i.e. the capacities of Combined Heat and Power Plant (CHP), Materials Recycling Facility (MRF), Mechanical Biological Treatment Plant (MBT), Anaerobic Digestion plant (AD) and the Merchant De Ink Paper Pulp Plant (MDIP). While the balance of capacities between the various elements of the IWMF was changed, the overall input of waste was not, and remains restricted at 853,000tpa. The planning application in 2015 also sought to discharge a number of conditions of the original permission. I attach a copy of the Development & Regulation Committee Report Feb 2016 and the Decision Notice Mar 2016 at Appendix C and D respectively.

The Scoping Report describes the reasoning as to why an increase in the generating output is required namely

*Para “1.1.4 The Proposed Development proposes to improve the efficiency of the EfW at the IWMF, resulting in a generating capacity increase over 49.9 MW. This will be achieved through a number of physical works that are ‘engineering operations’ and, therefore ‘development’ for the purposes of Section 32 of the Planning Act 2008. The engineering operations would involve works to the governor valves to enable the capacity to exceed 49.9 MW.*

*1.1.5 The greater generating capacity would be achieved by optimising the design and operation of the boiler, steam turbine and generator to provide a greater rate of energy recovery and by undertaking the engineering operations described above. The use of more modern and enhanced technology would not require an increase in waste throughput or physical changes to the consented building envelope or external layout. The Proposed Development is described further in Section 3.*

The IWMF was permitted on the basis of an “integrated facility” combining a number of waste management processes and a de-ink paper pulp plant, to make use of the excess heat and steam. The IWMF included a CHP which would in part generate electricity, but the application in 2016 proposed approximately half the electricity and heat and steam generated at the site would be used to power other elements of the IWMF and some of the heat and steam generated by the CHP would be used directly in the MDIP.

Condition 66 of ESS/34/15/BTE required a plan of action or a rehabilitation scheme if the development of the IWMF had not progressed which was a possibility at the time of decision as no Environmental Permit had been obtained. The developers have indicated, when submitting details to discharge condition 66 of the planning permission by application ESS/34/15/BTE/66/01, that elements of the IWMF are no longer technically or commercially viable and at the current time development of the IWMF is focusing on the CHP. Appendix E, F and G provide the Committee Report (Feb 2022), Addendum to the Committee Report and the decision letter on the consideration of the submission to discharge condition 66. Within sections C, E and F of the Committee Report of Feb 2022 the WPA sets out its position with respect to what it considers the existing Planning Permission gives consent for with reference to the Inspectors report of 2010. . An extract from Section C of the Committee Report of Feb 2022 is set out below:

*Considering the natural meaning of the words used in the description of the development in the planning permission [ESS/34/15/BTE], the description is of an “Integrated Waste Management Facility” which “comprises” certain elements. Naturally read it is considered that “comprises” means “amounts to” or “is”; that is, supported by the use of the word “integrated” – i.e. including the identified elements. Consistent with that description, the nature of that facility is identified in the plans identified in condition 2. Plans 1-9A and 10A identify each of the elements specified in the description of development and show how the facility would operate in an “integrated” manner. It is therefore considered plain that the “Integrated Waste Management Facility” is a development which includes all of the identified elements; the conditions require that to be carried out.*

*The interpretation of the planning permission is that it is for an integrated facility and was considered and granted on this basis.*

*The Inspector (in making his recommendation following the call-in inquiry in 2009/10) and the WPA (in considering subsequent applications) took into account all elements of the IWMF and how they would provide an integrated facility, maximising recycling and maximising the use of heat and steam, through a combination of power generation and direct use of the heat and steam to reprocess waste paper, in order to deliver a sustainable development.*

*It is evident within the Inspector’s report and the subsequent WPA officer reports (ESS/34/15/BTE), that the consideration as to the acceptability of the IWMF in planning terms was on the basis that all elements of the IWMF would be delivered to result in sustainable development.*

The WPA considers that the beneficial operation of the CHP without all elements of the IWMF being developed and operationally integrated with it would be in breach of the planning permission (ESS/34/15/BTE).

Nonetheless, it is acknowledged that the developers are looking for alternative uses for direct heat and steam, other than the MDIP and a pre-application request has

been made by another developer for greenhouses on land adjacent to the IWMF site which could utilise the heat and CO<sup>2</sup> produced by the IWMF.

It is the view of the WPA that the planning permission for Rivenhall IWMF was for an integrated facility of different waste management processes, ensuring the maximum recovery of recyclables as well as energy generation with an on-site use of heat and steam in the MDIP that, overall and on balance, made the development sustainable. The direct use of heat and steam on site, in something like an MDIP, is a more efficient use of the heat and steam than just energy generation. Energy generation from an EFW alone is considered by the WPA as being less sustainable.

Within the Scoping Report para 2.2.6 states *“Waste is delivered to the reception hall, tipped into a bunker and then transferred from the bunker to the furnace, where it is combusted. Air for combustion is extracted from the reception hall and bunker to avoid the release of odours.”* While some waste in the form of Solid Recovered Fuel (SRF)/Refused Derived Fuel (RDF) would be taken directly to the CHP facility under the Consented Scheme, the permitted process flow diagrams for the facility, showed that waste would also pass through the MBT and MRF, recovering recyclables. See Appendix H and I for approved process flow diagrams.

While section 2.1.16, describes the “Consented Scheme”, Indaver has indicated as explained that it considers some elements of the IWMF are technically and commercially unviable and thus may never be delivered.

If the proposal is actually for only an Energy from Waste facility with capacity up to 68MW, rather than a CHP with increased output capacity with other integrated waste management processes, then it is the WPA’s view the DCO should be submitted and considered on this basis, rather than just consideration of a change to the output capacity of the energy generation plant. A stand-alone Energy from Waste Facility of up to 49.9MW was not considered, by way of planning application, by the SoS in 2010 or the ECC WPA in 2016.

That said, ECC is not opposed to energy generation from waste in principle, but when considering the merits of the IWMF, by both the Inspector in 2010 and the WPA in 2016, it was on the basis of an integrated facility with a direct use of the heat and steam, which delivered sustainable development.

#### Order Limits shown on page 2 of the Scoping Report

It is also noted that the Order Limits includes the footprint of the energy generation plant along with the footprint of the IWMF building. If the proposed development is only to change engineering elements within the energy generation plant itself, why is the order limits not just confined to energy generation plant itself rather than including the whole of the plant area and building? The building is permitted under the IWMF planning permission to contain the MRF, MBT, AD, MDIP and supporting waste deposition areas.

If granted it is also queried how DCO would impact the existing planning permission and its conditions, particularly if the order extends across the whole of the plant area and building. Accordingly, it is not clear how the existing planning permission would be affected by any DCO and which permission would take primacy should conflict arise.

It is ECC understanding that a DCO is enforced by the local planning authority, in this case Braintree District Council, even though the DCO would relate to a waste matter normally administered by the WPA. If the DCO limits extend across the whole of the IWMF building and energy generation plant and the conditions of the DCO supersede those of the existing planning permission, the area and extent of the development controlled by the WPA would be very limited, namely the access, outside circulation areas, parking and landscaping and ecological areas.

It is the WPA's view that greater consideration should be given to nature and extent of the DCO application before it is progressed. Depending on the outcome of this consideration it could change the scope of the EIA.

#### SCOPING OPINION RESPONSE

The Scoping Response is provided on the basis that the "Proposed Development" is only to remove the values that prevent energy generation above 49.9MW and that all other elements of the IWMF would be delivered, as the Scoping Report does not indicate otherwise.

The Scoping response is on behalf of ECC in its roles as the Highway and Transportation Authority, the Minerals and Waste Planning Authority; the Waste Disposal Authority; the Lead Local Flood Authority (LLFA); lead advisors on public health; and as an infrastructure funding partner which seeks to ensure that development proposed is realistic and does not place an unnecessary (or unacceptable) cost burden on the public purse and, specifically, ECC's capital programme;

#### Alternatives – Section 4 of the Scoping Report

Section 4 of the Scoping Report sets out the alternatives, including implementation of the Consented Scheme, in considering this alternative it should be made clear whether this is implementation in full of the IWMF, i.e. all elements constructed and operated.

Para 4.1.4 states "the reasoning for selecting the preferred option (i.e. the Proposed Development) is that it prides the optimal solution for electrical generation at the facility" The reasoning for the preferred option is questioned, as an Integrated Waste

Management Facility, the preferred option should be on the basis that that it delivers the most sustainable waste management solution, i.e. waste management as high up the Waste Hierarchy as possible, while still maximising energy generation.

#### Cumulative Effects - Section 6 and Figure 6.1 Of the Scoping Report

Para 6.4.21 seeks to describe the current situation with respect to existing and future mineral workings. Unfortunately this section contains some factual errors. A request was made to the planning agent to issue an errata, but this was not taken up. The following replacement paragraph is suggested in place of para 6.4.21 which more accurately describes the current position:

*Quarrying works are complete within the Existing Minerals Permissions area, with some parts completed restoration while others are in the process of restoration. The Existing Mineral Processing Area is permitted to remain in conjunction with the existing extraction area i.e. 'Site A7' which is likely to continue for up to 10 years (to 2033). A Planning application is awaited for the Coggeshall Feering and Kelvedon Flood Alleviation Scheme (CFKFAS). This is to be a joint application between Blackwater Aggregates and the Environment Agency. The aim of the application to reduce flood risk in the River Blackwater valley through the creation of additional flood capacity through mineral extraction. If granted by ECC it is anticipated that excavation works would be suspended in Site A7 for the expected 20-year duration of the CFKFAS, with work recommencing at Site A7 immediately afterwards. Site A6 is currently an allocated site in the current Minerals Local Plan. Site A8 and CFKFAS site have been put forward for allocation as part of the Minerals Local Plan Review, which is only in its early stages of preparation. Potentially extraction of these sites could follow on from site A7 or CFKFAS (if approved). As these various excavation and restoration works are potentially likely to be ongoing while the facility is being constructed and operational, it is considered that there is potential for significant cumulative effects and it is proposed that an assessment of in-combination cumulative effects with these quarrying works is scoped into the ES. The embedded mitigation and controls related to the quarrying activity to minimise adverse noise and air quality effects will be taken into account in the assessment.*

#### MATTERS TO BE SCOPED IN AND SCOPED OUT

The topics listed below were identified within the Scoping Report. Of those listed only Climate Change and Greenhouse Gases and Noise were scoped in.

ECC agrees with the list of topics to be scoped into the EIA; comments have been provided on those sections shown below in bold:

- 1. CLIMATE CHANGE AND GREENHOUSE GASES**
- 2. NOISE**

- 3. AIR QUALITY**
- 4. LAND USE AND CONTAMINATED LAND
- 5. GROUND AND SURFACE WATER (AND FLOOD RISK)
- 6. ECOLOGICAL IMPACT AND ECOCOLOGICAL ASSESSMENT**
- 7. LANDSCAPE AND VISUAL IMPACTS**
- 8. ARCHEAEOLOGY AND CULTURAL HERITAGE**
- 9. TRAVEL AND TRANSPORT**
- 10. SOCIAL AND COMMUNITY ISSUES
- 11. NUISANCE IMPACT ASSESSMENT (AIR EMISSIONS, DUST, BIOAREOSLS, ODOUR, LITTER, INSECTS, VERMIN, BIRDS AND LIGHT POLLUTION)
- 12. HUMAN HEALTH
- 13. WASTE AND MATERIALS**
- 14. VULNERABILITY TO MAJOR ACCIDENTS AND DISASTERS
- 15. AVIATION
- 16. ENERGY AND UTILITIES
- 17. ELECTROMAGNETIC FIELDS
- 18. TELECOMMUNICATIONS

## 1. CLIMATE CHANGE AND GREEN HOUSES GASES

It is noted that updates to the EIA Regs in 2017 state this this important topic requires consideration, within Schedule 4 of the same it states at para 5 that: *A description of the likely significant effects of the development on the environment resulting from, inter alia .... (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change.* It is also backed up by case law which states this is now a consideration for NSIPs.

It is agreed that Climate Change and Greenhouse gases should be scoped into the EIA. The methodology described is considered appropriate, however attention is drawn to the Essex Climate Action Commission.

ECC is seeking to take a lead and innovative role in addressing climate change. The Essex Climate Action Commission was set up and a series of Special Interest Groups (SIG) advise the Council about tackling climate change across a wide variety of topics.

The commission has over 30 members over a wide range of senior professionals, local councillors, academics, business's, people and 2 members of the Young Essex Assembly. The commission will run until 2025 and recommendations are set out in the report " Net Zero: Making Essex Carbon Neutral report" July 2021. The assessment should have regard to the County climate targets as set out in the report and that the impact of the proposed scheme on emissions within the county should be evaluated. It is important that all new development proposals are as close to 'net zero' greenhouse gas emissions (both embedded and operational) as possible.



It would be preferable if the proposal included carbon capture.

## 2. NOISE

The Scoping Report rightfully lists the relevant guidance for consideration of noise namely:

- BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'<sup>29</sup>;
- BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'<sup>30</sup>;
- World Health Organisation (WHO), 'Night Noise Guidelines for Europe' (2009)<sup>31</sup>;
- IEMA, The Guidelines for Environmental Noise Impact Assessment (2014)<sup>32</sup> ('IEMA Guidelines').

It should be noted the main guidance BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' was issued sometime after the original assessments of noise. The assessment of noise at the time of the Public Inquiry in 2009/10, was at a time when it was considered acceptable to consider waste management as similar to mineral development and therefore was not considered against BS4142:2014+A1:2019. Under this more up to date guidance the aim is to achieve a rating level (which includes any penalty for the characteristics of the noise e.g. tones, impulses etc) equal to background. Under the existing planning conditions daytime permitted noise levels were based on up to 10dB(A) above background. If a character penalty is applied, the rating level could be over 10dB(A) above background. BS4142 equates this to a 'significant adverse impact, depending on context'.

It is therefore considered that rather than assessing whether the proposed changes would still enable the development to operate in compliance with the planning conditions of the IWMF planning permission, the EIA should undertake a new noise impact assessment to show the IWMF as proposed to be changed, when combined with the cumulative impacts from other development namely operations at Bradwell Quarry, would be compliant with current noise guidance, particularly BS4142:2014+A1:2019. And if necessary propose noise mitigation to ensure compliance with the new guidance. Should a DCO be granted, it may require revised noise conditions to meet the requirements of the current guidance. For information there are no specific noise limits set within the Environmental Permit issued by the Environment Agency.

It is not considered that revised background noise monitoring is required as those contained within previous assessments are still considered relevant. However, since the grant of planning permission for the IWMF, new housing is under construction and in occupation on the south east edge of Silver End Village (north of Western Road), the closest properties being approximately 1km from the IWMF site. It is therefore considered that an additional sensitive receptor should be considered on Jewitt Way, Silver End and for this new receptor background noise levels would need to be established.

### 3. AIR QUALITY

As noted in the Scoping Report, the IWMF has obtained an Environmental Permit administered by the Environment Agency (EA) and emissions are limited through the permit. As set out in the NPPF para 188

*“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

In light of this it is accepted that air quality should be scoped out of the EIA and control addressed through the Environmental Permit and the EA .

However, it should be noted that para 9.2.3 of the Scoping Report states there is only one existing residential receptor within 1km of the Site. As a point of there are in fact two residential properties within All Shots Farm, the farmhouse and bungalow. It is not clear from which point within the site the measurements have been assessed, but the following properties could be considered to be within 1km of the site: Sheepcotes Farm, on Sheepcotes Lane; Herons Farm, Deeks Cottage and Haywards on Cuthedge Lane; Bumby Hall, on Woodhouse Lane; and Jewitt Way in Silver End. In addition the refurbishment of Woodhouse Farm Listed building complex includes a further property known as Gardeners Cottage. Although it is acknowledged refurbishment of the buildings at Woodhouse Farm, may not include residential use.

### 6. ECOLOGICAL IMPACT AND ECOCOLOGICAL ASSESSMENT

ECC Place Services has reviewed the EIA Scoping Report (Quod Ltd, April 2023) and is satisfied that the proposals would be contained within the IWMF building and would not result in any changes to the external works undertaken as part of the Consented Scheme. Consequently, Place Services agree that there would be no further impacts upon designated sites, protected and Priority species / habitats,

including any impacts from adverse air quality on any ecological receptors. As a result, ECC support the proposal to scope out Ecology at this stage.

## 7. LANDSCAPE AND VISUAL IMPACTS

The proposal does not have any negative impact on the landscape and the proposed landscape scheme. The proposal would respect the existing vegetation which would continue to be retained.

The proposed development comprises of internal engineering works to increase energy output, as a result no Arboricultural assessment is required.

## 8. ARCHAEOLOGY AND CULTURAL HERITAGE

The proposals relate only to plant/machinery which would be enclosed within already permitted buildings; the changes comparative to the approved plans would have no discernible impact upon any listed buildings.

ECC Place Services confirm with the applicants proposal to scope out cultural heritage from the EIA. The proposals would not have any additional impact upon the setting of heritage assets than those of the consented scheme.

ECC Place Services can confirm that scoping archaeology out of the application is appropriate. All of the archaeological field work in the vicinity of the IWMMF has been completed. Also the nature of the proposal in respect of new ground disturbance would not affect any new areas as the work is retained within the existing proposed buildings.

## 9. TRAVEL AND TRANSPORT

The application would be expected to be supported by a Transport Statement , the scope of which should be agreed with ECC as the Highway Authority but also National Highways as the principle means of access would be off the A120, which is a Trunk Road.

## 13. WASTE AND MATERIALS

The site lies within a Mineral Consultation Area as defined in the [Minerals Local Plan 2014](#) and a Waste Consultation Area as defined in the [Essex and Southend Waste Local Plan 2017](#), while not necessarily matters addressed in the Environmental Impact Assessment, the application would be expected to be supported by a Mineral

Infrastructure Impact Assessment and a Waste Infrastructure Impact Assessment. See appendix J for the Minerals and Waste Planning Authority's response.

## **OTHER COMMENTS**

### **EMPLOYMENT AND SKILLS**

Although the proposed development is not expected to lead to any changes to direct or indirect employment numbers relative to the Consented Scheme, it would be one of a number of energy NSIPs located in or neighbouring Essex that are required to meet national net zero targets and support economic recovery post-pandemic. Given the national and local skills shortage to deliver these ambitions, the benefits to employment and skills from the project during construction and operation, alone and cumulatively with other NSIPs are significant. ECC would therefore welcome the opportunity to work with the applicant on how to maximise the benefits of the project to local economic growth and in levelling up education, skills and employment across Essex, both during construction and operation

### **SCOPING REPORT APPENDIX C – CUMULATIVE SCHEME SCHEDULE**

The tables within the Scoping Report at Appendix C set out the relevant planning applications that should be considered as part of considering cumulative impacts, there are some inaccuracies within these tables. The site areas referred to below are defined in the drawing below.

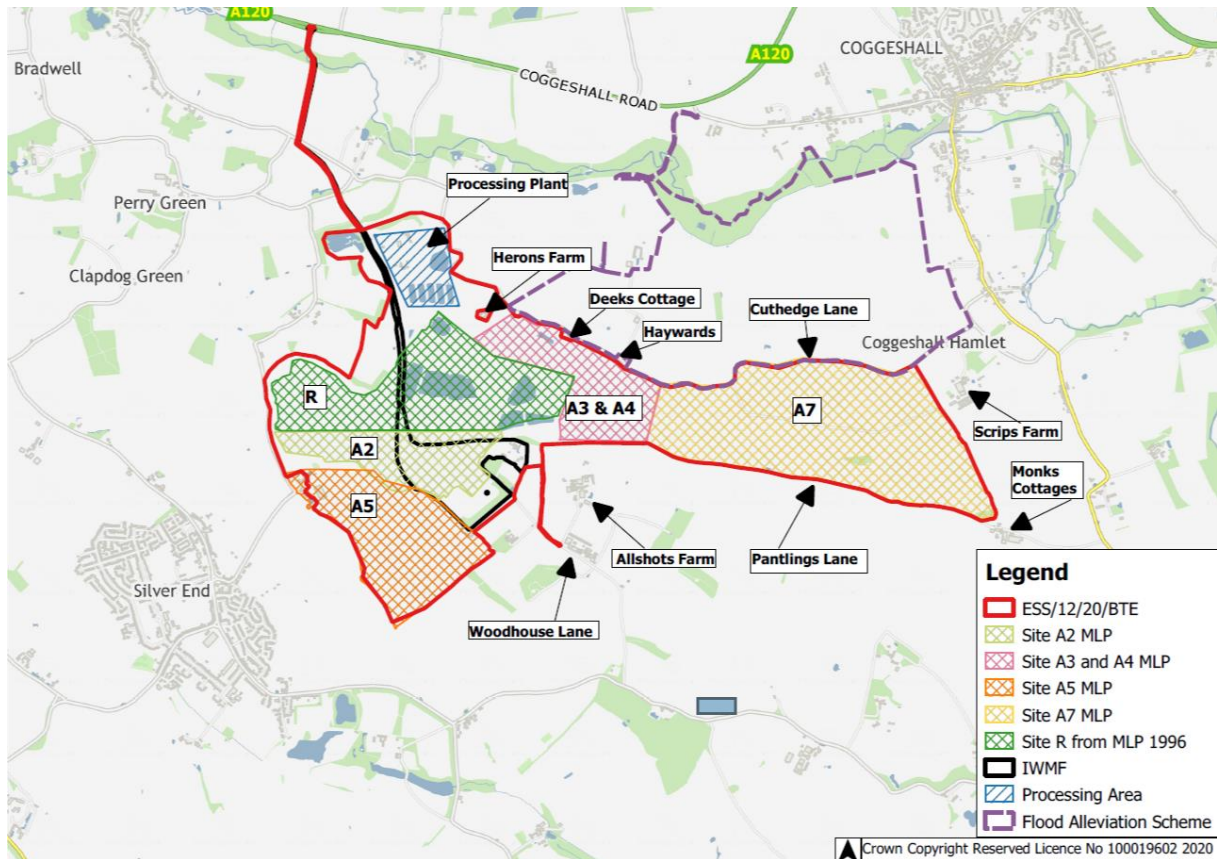
It should be noted that ESS/07/98/BTE was subject to EIA. While mineral extraction is complete within site R permitted under ESS/07/98/BTE, parts of the site remain to be restored. Details of restoration are permitted under ESS/79/20/BTE

ESS/32/12/BTE, while mineral extraction is completed within site A2 parts of the site remain to be restored. Details of restoration are permitted under ESS/79/20/BTE

ESS/24/14/BTE, while mineral extraction is completed within site A3 and A4, parts of the site remain to be restored. Details of restoration are permitted under ESS/79/20/BTE

ESS/03/18/BTE for mineral extraction in site A5, while mineral extraction has been completed that site is under restoration but not restored. ESS/03/18/BTE has been superseded by ESS/35/20/BTE and ESS/79/20/BTE. ESS/79/20/BTE should therefore be carried forward to the short list.

ESS/79/20/BE is subject to a further variation application ESS/106/22/BTE, awaiting determination this should also be included on the list and carried forward.



The IWMF permission is also subject to two further S73/variation applications awaiting determination with the WPA, references ESS/02/22/BTE and ESS/39/23/BTE.

There is also an appeal against the decision discharging condition 66 of ESS/34/15/BTE (ECC Ref ESS/34/15/BTE/66/AP1). PINS Ref APP/Z1585/W/22/3306429.

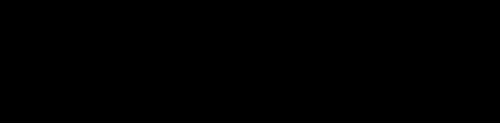
The IWMF permission itself ESS/34/15/BTE is also subject to a number of Non Material Amendments (NMA) : ESS/34/15/BTE/NMA1, ESS/34/15/BTE/NMA2, ESS/34/15/BTE/NMA3 and ESS/34/15/BTE/NMA4. There are also two further NMAs references ESS/34/15/BTE/NMA5 and ESS/34/15/BTE/NMA6 awaiting determination.

These applications should be considered for potential Cumulative Effects.

Details of all these minerals and waste applications can be found at <https://www.essex.gov.uk/view-comment-planning-applications>

I trust the above is of assistance should you have any queries please do not hesitate to contact me.

Yours sincerely



Graham Thomas  
Head of Planning  
Sustainable Growth Directorate

Enquiries to: Claire Tomalin

Telephone: [Redacted]

Email: [Redacted]

#### List of appendices

- A Inspector Report Ref APP/Z1585/V/09/2104804 (ECC Ref ESS/37/08/BTE)
- B SOS Decision Ref APP/Z1585/V/09/2104804 (ECC Ref ESS/37/08/BTE)
- C ESS/34/15/BTE (Variation of IWFM permission) - Development & Regulation Committee Report Feb 2016
- D ESS/34/15/BTE (Variation of IWFM permission) – Decision notice
- E ESS/34/15/BTE/66/01 (Submission of details under Condition 66 of ESS/34/15/BTE) – Development & Regulation Committee Report Feb 2022
- F ESS/34/15/BTE/66/01 – Addendum to Development & Regulation Committee Report Feb 2022
- G ESS/34/15/BTE/66/01 (Submission of details under Condition 66 of ESS/34/15/BTE) – Decision letter March 2022
- H Drawing No. Figure 1-9A (Approved drawing of ESS/34/15/BTE)
- I Drawing No. Figure 1-10A (Approved drawing of ESS/34/15/BTE)
- J Minerals and Waste Planning Authority Scoping Opinion Response



Essex County  
Fire & Rescue Service

# **Essex County Fire and Rescue Service**

## **Initial Response to Rivenhall IWMP and Energy Centre**

## About

This document outlines Essex Fire and Rescue Service's initial response to the consultation for the proposed development.

Essex County Fire and Rescue Service has a statutory duty to provide Response, Prevention and Protection functions within the community. Therefore, we would welcome any opportunities to enable further development and enhancement of these provisions.

If further information or clarification on any of the points presented is required to support the developers, please contact the Service via [future.infrastructure.risk@essex-fire.gov.uk](mailto:future.infrastructure.risk@essex-fire.gov.uk).



## **National Fire and Rescue Priorities – Home Office**

The priorities for fire and rescue authorities set out in the National Fire and Rescue Framework for England July 2018 are to:

- Make appropriate provision for fire prevention and protection activities and response to fire and rescue related incidents
- Identify and assess the full range of foreseeable fire and rescue related risks their areas face
- Collaborate with emergency services and other local and national partners to increase the efficiency and effectiveness of the service they provide
- Be accountable to communities for the service they provide
- Develop and maintain a workforce that is professional, resilient, skilled, flexible and diverse

## **The Fire and Rescue Plan – Essex County Fire and Rescue Service**

The Fire and Rescue Plan sets out the priorities for fire and rescue services in Essex and a series of strong, tangible commitments to how we will help keep our communities safe.

The plan brings together the Service, partners and the public to build safe and secure communities and other efficient and effective prevention, protection and response activity.

The activities in this plan set out a clear direction for development of the Service and how, by working closer together with other emergency services and wider partners, we can deliver a better service while being closer to the communities we serve.

Our priorities are:

- Prevention, protection and response
- Improve safety on our roads
- Help the vulnerable to stay safe
- Promote a positive culture in the workplace
- Develop and broaden the roles and range of activities undertaken by the Service
- Be transparent, open and accessible
- Collaborate with our partners
- Make best use of our resources

## **Essex Design Guide**

The Essex Design Guide provides high level direction for new developments which we would like to draw your attention to:

- Continuation of road design to ensure safe and timely access and egress to and from new developments.
- Continuation of road design to include turning circle provision plus future consideration to appliance sizes to ensure adequate space to manoeuvre on a development.
- Consideration for installation of an approved suppression system with better safety and more design freedom. Sprinkler considerations would help to isolate fire to the source and to ensure better safety for occupants / emergency services / reduce insurance costs. This may also afford developers more design freedom and scope for capacity in respect of distance from buildings to fire appliance access points.
- Continued consultation with Water Authorities for fire hydrant / water main provisions and consideration to ensure sufficient strategically placed resources are made available for operational firefighting and with appropriate water pressure considerations.
- Ensure new fire hydrant installations are fully operational before permitting residents to occupy dwellings.
- Ensuring new fire hydrants are not installed within private driveways / gardens.
- Continuation of at least 3 forms of fire hydrant asset indication. Hydrant indicator plate / post, painted FH cover and painted adjacent kerb. In the absence of a kerb then a thermoplastic yellow road 'H' applied to the road surface.
- Section 106 agreement at planning application stage to ensure that the developer will bear the costs for any new fire hydrant installations deemed necessary by the Fire Authority where the new development exceeds 10 dwellings.
- Where applicable door sets to carry dual certification ensuring compliance with fire and security regulations. Such recommendations align with both the [Independent Review of Building Regulations and Fire Safety](#) in the wake of and the review and recommendations resulting from the Grenfell Fire tragedy of 2017.
- Fire resistant cladding considerations that may fall outside of Building Control matters.

## **Initial Response to Consultation Document**

Having reviewed the consultation document, at this time Essex County Fire and Rescue Service would ask that the following are considered during the continued development of the Rivenhall IWMF and Energy Centre:

- Creating a risk reduction strategy to cover the construction, operation and decommissioning of the facility.

- Installation of smoke alarms and/or sprinkler systems at suitably spaced locations throughout each building.
- Installation of an automatic fire and carbon monoxide detection system.
- Installation of an automatic fire suppression system, preferably a water drenching system.
- Installation of adequate ventilation systems.
- Inclusion of redundancy in the design to provide multiple layers of protection.
- Provision of adequate separation between buildings/containers and thermal barriers between switch gear and batteries.
- Adherence to the requirements of the Fire Safety Order and relevant building regulations.
- Adherence to the relevant [WISH Guidance](#).
- Development of an emergency response plan with Essex County Fire & Rescue Service to minimise the impact of an incident during construction, operation and decommissioning of the facility.
- Consideration for providing an Information Box at access points to provide details of the Site Emergency Response Plan.
- Provision and access to sufficient water supplies for manual firefighting, with a minimum provision of 1,900 l/min for 2 hours.
- Provision of suitably spaced hydrants and where necessary an Emergency Water Supply (EWS).
- Appropriate planning and mitigations to reduce risks around outdoor water sources.
- Suitable principles in design to avoid deliberate fire setting.
- Implementation of [vision zero principles](#) where there are introductions of or changes to the road network.
- Consideration for road widths to be accessible whilst not impeding emergency service vehicle response through safe access routes for fire appliances including room to manoeuvre (such as turning circles).
- Access for Fire Service purposes must be considered in accordance with the Essex Act 1987 – Section 13, with new roads or surfaces compliant with the table below to withstand the standard 18 tonne fire appliances used by Essex County Fire and Rescue Service.

	Min. Width of Road between Kerbs	Min. Width of Gateways	Min. Heigh Clearance	Min. Carrying Capacity	Min. Turning Circle (Kerb to Kerb)	Min. Turning Circle between Walls	Sweep Circle
Pumping Appliance	3.7m	3.1m	3.7m	18 tonnes	17.8m	19.0m	19.0m

High Reach	3.7m	3.1m	4.0m	26 tonnes	17,8m	20.0m	
------------	------	------	------	-----------	-------	-------	--

- A secondary access point for emergency service vehicles should the primary access route be unsuitable due to prevailing wind conditions.
- Implementation of a transport strategy to minimise the impact of construction and prevent an increase in the number of road traffic collisions. Any development should not negatively impact on the Service's ability to respond to an incident in the local area.
- Implementation of a land management strategy to minimise the potential spread of fire either from or towards the development site.

Essex County Fire and Rescue Service welcomes the opportunity to continue these conversations as the development progresses to ensure opportunities to reduce risk and improve the emergency service provision are realised.

Future Infrastructure Risk Team: [future.infrastructure.risk@essex-fire.gov.uk](mailto:future.infrastructure.risk@essex-fire.gov.uk)



Essex County  
Fire & Rescue Service

**Rick Hylton**  
Chief Fire Officer / Chief Executive

Karen Wilkinson  
The Planning Inspectorate  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

North West Group Delivery Point  
Harlow Fire Station  
Fourth Avenue  
HARLOW  
CM20 1DU

Enquiries to: Carol Fry Watch Manager  
T: +44(0) [REDACTED]  
northwestgroupsdp@essex-fire.gov.uk

Our Ref: 144759  
Your Ref: EN010138  
  
Date: 09 May 2023

Dear Madam,

**Re: Town & Country Planning Act 1990**

**Planning Application N°: EN010138**

**Description: Application by Indaver Rivenhall LTD (the Applicant) for  
an Order granting Development Consent for the Rivenhall IWMF and  
Energy Centre (the Proposed Development)**

**Location: Woodhouse Lane, Kelvedon, Colchester, CO5 9DF.**

Thank you for your email dated 26/04/2023 showing details of the above proposal.

The application has been considered and I draw your attention to the following comments:

**Access**

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

Access for fire service vehicles is considered satisfactory.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.

## **Building Regulations**

It is the responsibility of anyone carrying out building work to comply with the relevant requirements of the Building Regulations. Applicants can decide whether to apply to the Local Authority for Building Control or to appoint an Approved Inspector.

Local Authority Building Control will consult with the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") in accordance with "Building Regulations and Fire Safety - Procedural Guidance".

Approved Inspectors will consult with the Authority in accordance with Regulation 12 of the Building (Approved Inspectors etc.) Regulations 2010 (as amended).

## **Water Supplies**

The architect or applicant is reminded that additional water supplies for firefighting may be necessary for this development. The architect or applicant is urged to contact Water Section at Service Headquarters, 01376 576000.

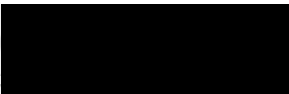
## **Sprinkler Systems**

"There is clear evidence that the installation of Automatic Water Suppression Systems (AWSS) can be effective in the rapid suppression of fires. Essex County Fire & Rescue Service (ECFRS) therefore uses every occasion to urge building owners and developers to consider the installation of AWSS. ECFRS are ideally placed to promote a better understanding of how fire protection measures can reduce the risk to life, business continuity and limit the impact of fire on the environment and to the local economy.

Even where not required under Building Regulations guidance, ECFRS would strongly recommend a risk-based approach to the inclusion of AWSS, which can substantially reduce the risk to life and of property loss. We also encourage developers to use them to allow design freedoms, where it can be demonstrated that there is an equivalent level of safety and that the functional requirements of the Regulations are met."

If you have any further queries, then please contact the above Officer quoting our reference number.

Yours faithfully



**Protection**

## Woodger-Bassford, Jade

---

**From:** Squire, Sandra <[REDACTED]>  
**Sent:** 12 May 2023 12:39  
**To:** Rivenhall IWMF  
**Subject:** EN010138 Rivenhall IWMF and Energy Centre - EIA Scoping

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for consulting the Forestry Commission on this proposal.

As the Governments forestry experts, we endeavour to provide as much relevant information to enable the project to reduce any impact on irreplaceable habitat such as Ancient Semi Natural woodland, as well as other woodland.

While we note that there is Ancient Woodland within 400m of the site, it is located behind the existing and proposed woodland of the site so do not believe it will be impacted by the development.

We note the details of the scoping report including the retention of existing woodland and the creation of new woodland on site and that the woods are now being managed.

Species and provenance of new trees and woodland need to be considered to establish a more resilient treescape which can cope with the full implications of a changing climate. When planting new trees and woodland, ensure that biosecurity is robust to avoid the introduction of pests and diseases.

Although some detail regarding dampening down tracks to reduce dust have been provided, details should also be provided of how the existing trees and woodlands will be protected during the construction phase, protection measures can include taking care not to cut tree roots or causing soil compaction around trees (e.g., through vehicle movements or stacking heavy equipment) or contamination from poisons.

If any information is required on woodland planting and management, please do not hesitate to contact me.

Best wishes

Sandra

*Sandra Squire*

Local Partnership Advisor  
East & East Midlands

Tel: [REDACTED]  
[REDACTED]



*Subscribe to our newsletter to be the first to hear about the latest information, advice, and news from the Forestry Commission*

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This email has been scanned for viruses and malware.



The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol, BS1 6PN  
[rivenhalliwmf@planninginspectorate.gov.uk](mailto:rivenhalliwmf@planninginspectorate.gov.uk)  
(SENT VIA EMAIL)

Chemicals, Explosives and  
Microbiological Hazards  
Division – Unit 4

NSIP Consultations  
Land Use Planning Team  
Building 1.2,  
Redgrave Court,  
Bootle L20 7HS

**Date:** 15<sup>th</sup> May 2023

[NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

**References:** CM9 Ref: 4.2.1.7086.  
NSIP Ref: EN010138

<http://www.hse.gov.uk/>

Dear Sir/Madam,

**PROPOSED Rivenhall IWMF and Energy Centre**  
**PROPOSAL BY Indaver Rivenhall LTD**  
**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017**  
**(as amended) REGULATIONS 10 and 11**

Thank you for your letter of 25<sup>th</sup> April 2023 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed DCO application boundary for this Nationally Significant Infrastructure Project does not fall into any of HSE's land-use planning zones. This is based on the order limits and IWMF Site Boundary boundary in Figure 1.1 of "EN010138-000021-Rivenhall IWMF scoping report April 2023.pdf" downloaded from EN010138-000021-Rivenhall IWMF scoping report April 2023.pdf (planninginspectorate.gov.uk).

HSE's Land Use Planning advice is dependent on the location of areas where people may be present in relation to the land-use planning zones. At this stage, based on the information in the EIA Report "EN010138-000021-Rivenhall IWMF scoping report April 2023.pdf", it is unlikely that HSE would advise against the development.

Would Hazardous Substance Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances and the associated Controlled Quantities and the 'addition rule', are set out in The Planning (Hazardous Substances) Regulations 2015 as amended. HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities, or via the 'addition rule' set out in Schedule 1 of these Regulations.

Based on "EN010138-000021-Rivenhall IWMF scoping report April 2023.pdf", it is possible that the site requires hazardous substances consent – for example, for biogas – depending on the quantities. The EIA does not appear to show that the applicant has considered the hazard classification of any substances that are proposed to be present at the development and whether hazardous substance consent will be required. Hazard classification is relevant to the potential for accidents. Further information on Hazardous Substances Consent should be sought from the relevant Hazardous Substances Authority (often the same as the local authority).

#### Consideration of Risk Assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role in NSIPs is summarised in Advice Note 11 'working with public bodies in the infrastructure planning process' Annex G on the Planning Inspectorate's website - Annex G – The Health and Safety Executive. The Annex G document includes consideration of risk assessments under the heading "Risk assessments".

#### Explosives sites

CEMHD 7's response is no comment to make as there are no HSE licenced explosive sites in the vicinity of the proposed development.

#### Electrical safety

No comment from a planning perspective

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk). We are currently unable to accept hard copies, as our offices have limited access.

Yours faithfully,

**CEMHD4**  
**NSIP Consultation Team**



Historic England

Ms Karen Wilkinson  
Planning Inspectorate  
Environmental Services  
Operations Group 3, Temple Quay House  
2 The Square, Bristol  
BS1 6PN

Direct Dial: [REDACTED]

Our ref: PL00792931

19 May 2023

Dear Ms Wilkinson

Historic England was consulted on different iterations of the scheme, in 2015 and 2017, as part of the planning permissions submitted to Essex County Council, in particular application nos. ESS/34/15/BTE (granted in 2016) and ESS/37/17/BTE. The 2016 permission was supported by a 2015 EIA update and a 2015 ES addendum.

The proposed development will be contained within the IWMF building and requires no below ground interventions. As such, no changes are intended to the appearance of the Consented Scheme, unidentified buried archaeological assets or the setting of surrounding designated and non-designated heritage assets.

Consequently, Historic England has no objections to Archaeology and Cultural Heritage to be scoped out of the EIA.

We do not need to be consulted again on this scheme, unless there are any material changes on the proposals.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely,

Rosa Teira Paz  
Inspector of Historic Buildings and Areas



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk



## **Decision Notice**

MC/23/0993



Karen Wilkinson  
Planning Inspectorate  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**Applicant Name:**  
Indaver

Planning Service  
Physical & Cultural Regeneration  
Regeneration, Culture, Environment &  
Transformation  
Gun Wharf  
Dock Road  
Chatham  
Kent  
ME4 4TR  
01634 331700  
01634 331195

Planning.representations@medway.gov.uk

### **Town and Country Planning Act 1990**

---

**Location:** Rivenhall IWMF And Energy Centre, Essex, , ,

**Proposal:** Consultation from the Planning Inspectorate - Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the EIA Regulations 10 and 11 Application by Indaver Rivenhall LTD for an Order granting Development Consent for the Rivenhall IWMF and Energy Centre

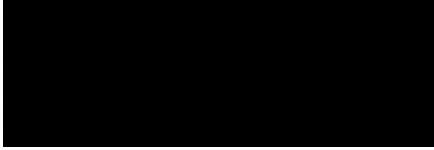
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I refer to your letter of consultation regarding the above and would inform you that the Council **RAISES NO OBJECTION** to it.

- 1 Medway Council raises no objection to the consultation under The Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA regulations) - Regulations 10 and 11.

#### **Your attention is drawn to the following informative(s) :-**

- 1 This comment is based on the consultation to Medway Council received 26 April 2023.



David Harris  
Head of Planning  
Date of Notice 15 May 2023

**TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS)  
(ENGLAND) (AMENDMENT) (REGULATIONS 2013)**

**TOWN AND COUNTRY PLANNING ACT 1990**

***Appeals to the Secretary of State***

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the **Commercial Appeals Service** and **6 months** from the date of this notice for all other **minor and major applications**.
  - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
    - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
    - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
  - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

[https://www.planningportal.co.uk/info/200207/appeals/110/making\\_an\\_appeal](https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal)

**Commercial Appeals Service**

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

**All other Minor and Major Applications**

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

### ***Purchase Notes***

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Complex Land Rights**

Ellie Laycock

Development Liaison Officer

UK Land and Property

Tel: +44 [REDACTED]

[www.nationalgrid.com](http://www.nationalgrid.com)

SUBMITTED ELECTRONICALLY:

[rivenhalliwmf@planninginspectorate.gov.uk](mailto:rivenhalliwmf@planninginspectorate.gov.uk)

18 May 2023

Dear Sir/Madam

**APPLICATION BY INDAVER RIVENHALL LTD (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE RIVENHALL INTEGRATED WASTE MANAGEMENT FACILITY (THE PROPOSED DEVELOPMENT)**

**SCOPING CONSULTATION RESPONSE**

I refer to your letter dated 25<sup>th</sup> April 2023 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission line within the scoping area. The overhead line forms an essential part of the electricity transmission network in England and Wales.

Overhead Lines

4YLA 400kV OHL

Braintree – Pelham – Rayleigh Main

Braintree – Bramford – Rayleigh Main

I enclose a plan showing the location of NGET's apparatus in the scoping area.



## Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To download a copy of the HSE Guidance HS(G)47, please use the following link:  
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

## **Further Advice**

**We would request that the potential impact of the proposed scheme on NGET's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.**

**Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.**

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: [box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

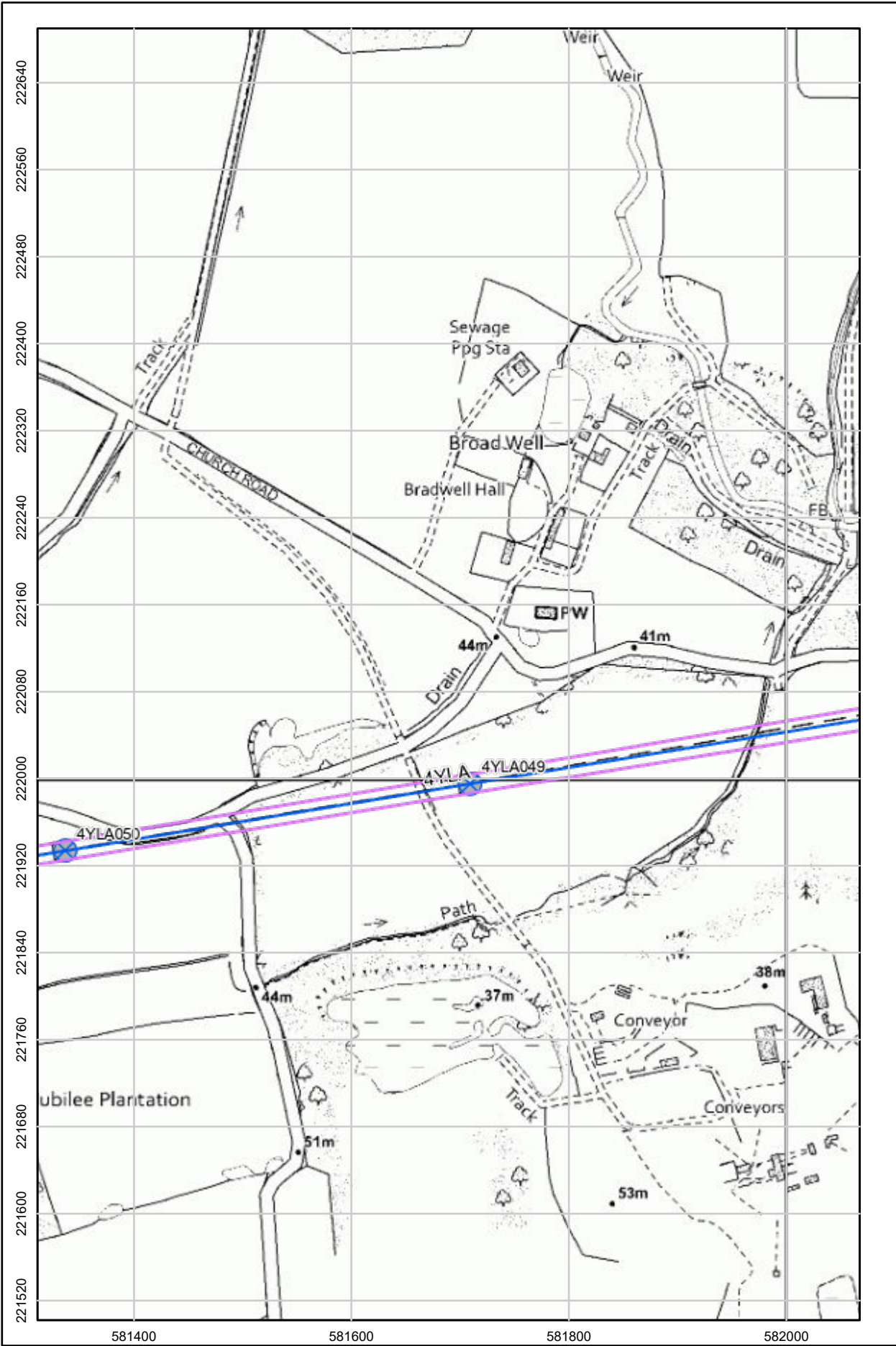
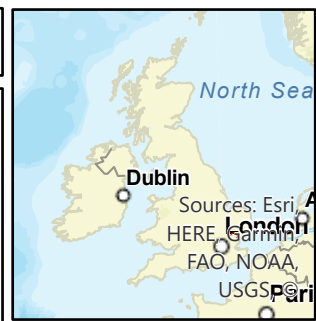
I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully



**Ellie Laycock**  
**Development Liaison Officer, Complex Land Rights**



### Legend

**Towers**

- Towers
- Commissioned

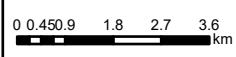
**OHL 400Kv**

- OHL 400Kv
- Commissioned

**OHL Circuits**

- Commissioned

**Notes**



Printed By: Ellie.Laycock

Scale: 1:5,000

OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of His Majesty's Stationery Office. ©Crown Copyright Ordnance Survey National Grid Electricity Transmission (100024241) & National Gas Transmission (100024886)

Date: 5/18/2023 Time: 3:51 PM Page size: A4 Portrait

Note: Any sketches on the map are approximate and not captured to any particular level of precision.

NG Disclaimer: National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC (Warwick Technology Park, Warwick, CV346DA) and should not be used without prior authority of National Grid.



## National Highways Planning Response (NHPR 22-12) Formal Recommendation to an Application for Planning Permission

From: Martin Fellows (Regional Director)  
Operations Directorate  
East Region  
National Highways  
[PlanningEE@nationalhighways.co.uk](mailto:PlanningEE@nationalhighways.co.uk)

To: Planning Inspectorate  
[rivenhalliwmf@planninginspectorate.gov.uk](mailto:rivenhalliwmf@planninginspectorate.gov.uk)

CC: [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk)  
[spatialplanning@nationalhighways.co.uk](mailto:spatialplanning@nationalhighways.co.uk)

**Reference:** EN010138

**Location:** Rivenhall IWMF and Energy Centre, Rivenhall Airfield Sheepcotes Lane  
Silver End Essex CM8 3PJ

**Proposal:** Application by Indaver Rivenhall LTD (the Applicant) for an Order granting Development Consent for the Rivenhall IWMF and Energy Centre (the Proposed Development)

**National Highways Ref:** NH/23/00829

Referring to the consultation on a planning application dated 25<sup>th</sup> April 2023 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:


- a) offer no objection (see reasons at Annex A);
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- ~~c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~
- ~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the [Town and Country Planning \(Development Affecting Trunk Roads\) Direction 2018](#), via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to [PlanningEE@nationalhighways.co.uk](mailto:PlanningEE@nationalhighways.co.uk).

<b>Signature:</b> 	<b>Date:</b> 17/05/2023
<b>Name:</b> Mark Norman	<b>Position:</b> Spatial Planner
<b>National Highways</b> National Highways   Woodlands   Manton Lane   Bedford   MK41 7LW	

---

<sup>1</sup> Where relevant, further information will be provided within Annex A.

## **Annex A National Highways' assessment of the proposed development**

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Upon a review of the supporting documents, NH notes that the EIA Scoping Report (April, 2023) scopes out the need for the assessment of Transport and Access - this is assumed that it's based on the assumption that the proposed development details will remain as per the Consented Scheme and therefore not requiring a reassessment. It is our understanding that planning permission for the Rivenhall IWMF was granted by the Secretary of State in March 2010. Section 73 (S.73) application was submitted to Essex County Council (ECC) in July 2015 seeking modifications to 2010 Permission and discharge of certain planning conditions to enable construction works to commence. Planning permission for the S.73 was granted by ECC in February 2016, with subsequent non-material amendments ('2016 Permission'). The 2016 Permission was implemented and is the operative permission for the Site.

Section 9.8 of the EIA Scoping Report (April, 2023) states "As set out previously, Conditions 3 and 4 of the 2016 Permission control the permitted number of vehicle movements for the Consented Scheme during the construction and operational phases. Conditions 5-9, 20, 21, 34 - 37, 62, 63, and 65 have also been discharged associated with traffic movements on the access road and local road network. - The completed Proposed Development would not lead to a change in the permitted number of vehicle movements associated with the 2016 Permission. No new or materially different effects on travel and transport are predicted from the operational Proposed Development and it is proposed to be scoped out of the ES". NH has reviewed the relevant documents submitted in relation to this planning application and notes there to be no significant changes to the previously consented scheme and therefore offers no objection on these grounds.

### **Standing advice to the local planning authority**

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Date: 18 May 2023  
Our ref: 431205  
Your ref: EN010138



Planning Inspectorate  
rivenhalliwmf@planninginspectorate.gov.uk  
**BY EMAIL ONLY**

Consultations  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 900

Dear Sir or Madam

**Environmental Impact Assessment Scoping consultation (Regulation 15 (4) of the Town and Country Planning EIA Regulations 2017):** EIA Scoping opinion for Application by Indaver Rivenhall LTD (the Applicant) for an Order granting Development Consent for the Rivenhall IWMF and Energy Centre (the Proposed Development)

**Location:** Land at the former Rivenhall Airfield, off Coggeshall Road (A120), Braintree, CO5 9DF

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 26 April 2023, received on 26 April 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on [environmental assessment, natural environment and climate change](#).

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully

Dominic Rogers  
Consultations Team



## Annex A – Natural England Advice on EIA Scoping

### General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

### Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## **Environmental data**

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk).

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

## **Biodiversity and Geodiversity**

### **General principles**

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

### **Designated nature conservation sites**

The proposal is unlikely to adversely impact any European or internationally designated nature conservation sites (including 'habitats sites' under the NPPF) or nationally designated sites (Sites of Special Scientific Interest, National Nature Reserves or Marine Conservation Zones).

### **Regionally and Locally Important Sites**

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

## Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

### District Level Licensing for Great Crested Newts

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

### Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present

- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

### **Ancient Woodland, ancient and veteran trees**

The ES should assess the impacts of the proposal on any ancient woodland, ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

### **Biodiversity net gain**

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

### **Landscape and visual impacts**

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

### **Heritage Landscapes**

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

### **Connecting People with nature**

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

### **Soils and Agricultural Land Quality**

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and

175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

## **Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg)<sup>[1]</sup>. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub> against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

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<sup>[1]</sup> [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

## Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

## Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the [Committee on Climate Change's \(CCC\) Independent Assessment of UK Climate Risk](#), the [National Adaptation Programme \(NAP\)](#), the [Climate Change Impacts Report Cards](#) (biodiversity, infrastructure, water etc.) and the [UKCP18 climate projections](#).

The Natural England and RSPB [Climate Change Adaptation Manual](#) (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's [Nature Networks Evidence Handbook](#) (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's [Carbon Storage and Sequestration by Habitat report](#) (2021) and the British Ecological Society's [nature-based solutions report](#) (2021) provide further information.

### **Contribution to local environmental initiatives and priorities**

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.



## Woodger-Bassford, Jade

---

**From:** ONR Land Use Planning <ONR-Land.Use-Planning@onr.gov.uk>  
**Sent:** 04 May 2023 10:28  
**To:** Rivenhall IWMF  
**Subject:** ONR Land Use Planning - Application EN010138  
**Attachments:** EN010138 - Rivenhall IWMF and Energy Centre - Statutory Consultation Letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

With regard to planning application EN010138, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.

You can find information concerning our Land Use Planning consultation process here: (<http://www.onr.org.uk/land-use-planning.htm>).

Kind regards,

Vicki Enston  
Land Use Planning  
Office for Nuclear Regulation  
ONR-Land.Use-planning@onr.gov.uk

-----Original Message-----

**From:** Rivenhall IWMF <rivenhalliwmf@planninginspectorate.gov.uk >  
**To:**  
**Cc:**  
**Sent:** 26/04/2023 14:07  
**Subject:** EN010138 Rivenhall IWMF and Energy Centre. EIA Scoping Notification and Consultation

Dear Sir/Madam

Further to my correspondence from yesterday, please see the attached letter which provides details of the title of the project and name of the Applicant.

Regards

Karen

Karen Wilkinson

Senior EIA Advisor

The Planning Inspectorate

T: [REDACTED]

@PINSgov The Planning Inspectorate [planninginspectorate.gov.uk](http://planninginspectorate.gov.uk)

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Your Ref: EN010138  
Our Ref: SCC/CON/1846/22  
Date: 23 May 2023  
Enquiries to: [REDACTED]

For the Attention of Karen Wilkinson  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**Sent by email only:** [rivenhalliwmf@planninginspectorate.gov.uk](mailto:rivenhalliwmf@planninginspectorate.gov.uk)

Dear Karen,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

**PROPOSAL:** Application by Indaver Rivenhall LTD (the Applicant) for an Order granting Development Consent for the Rivenhall IWMF and Energy Centre (the Proposed Development)

**LOCATION:** Rivenhall IWMF site ('IWMF Site') at the former Rivenhall airfield, east of Braintree

Thank you for consulting Suffolk County Council (SCC) on the above application, as a neighbouring authority. After consulting with Highways colleagues the County Council wishes to make the following comments.

No specific comments have been raised from reviewing the EIA Scoping Report Rivenhall IWMF Development Consent Order Project. However, the report makes no reference to the need for, and if necessary, routing of abnormal indivisible loads. If abnormal indivisible loads are required, SCC concern would be if such loads arrive at the Port of Ipswich and need to traverse local roads.

Yours sincerely,

**Billy Manning**  
**Planning Officer**  
Planning Section  
Growth, Highways & Infrastructure  
Suffolk County Council



UK Health  
Security  
Agency

Environmental Hazards and Emergencies Department  
Seaton House, City Link  
London Road  
Nottingham, NG2 4LA

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)  
[www.gov.uk/ukhsa](http://www.gov.uk/ukhsa)

Your Ref: EN010138  
Our Ref: CIRIS 63379

Karen Wilkinson  
Senior EIA Advisor  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

19<sup>th</sup> May 2023

Dear Ms Wilkinson,

**Nationally Significant Infrastructure Project  
Rivenhall IWMF and Energy Centre  
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of this proposed development. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID), and the response provided is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the consultation documents, we wish to make the following specific comments and recommendations:

**Impacts of emissions from the proposed development on the local population, environment, and air quality**

The applicant has stated that the impact of the new proposed facility on the human population, environment and air quality has been scoped out. This development already has planning permission; however, the proposal is to increase power output by optimising the design and operation of the plant using more modern and enhanced technologies to increase efficiency. As a result, the Operator has concluded that air emissions will be reduced compared to original assessments, thus the impact on local air quality is anticipated to be much smaller.

Whilst we acknowledge this, we would recommend that the applicant submits emissions modelling assessments relating to the operation of the proposed development in any subsequent documentation. These should confirm the applicant's scoping conclusions that the proposed development will not have a detrimental effect on human health, the environment and local air quality.

UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*<sup>1</sup>, setting out the aspects to be addressed within the Environmental Statement<sup>1</sup>. This advice document and its recommendations are still valid and should be considered when preparing an Environmental Statement.

We hope the information provided is useful and would welcome discussions to clarify any specific concerns or enquiries you may have.

Yours sincerely

On behalf of UK Health Security Agency

[nsipconsultations@ukhsa.gov.uk](mailto:nsipconsultations@ukhsa.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

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1

<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

## Woodger-Bassford, Jade

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**From:** Orlopp, Mandy <[REDACTED]>  
**Sent:** 02 May 2023 10:31  
**To:** Rivenhall IWMF  
**Subject:** FW: EN010138 Rivenhall IWMF and Energy Centre. EIA Scoping Notification and Consultation  
**Attachments:** EN010138 - Rivenhall IWMF and Energy Centre - Statutory Consultation Letter.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning

I can confirm that West Suffolk Council has no comments to make on this project.

Kind regards

---

Mandy Orlopp  
Technical Support  
Systems and Technical Support  
Direct dial: [REDACTED]  
Email: [REDACTED]  
[www.westsuffolk.gov.uk](http://www.westsuffolk.gov.uk)  
**West Suffolk Council**  
#TeamWestSuffolk



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**From:** Rivenhall IWMF <[rivenhalliwmf@planninginspectorate.gov.uk](mailto:rivenhalliwmf@planninginspectorate.gov.uk)>

**Sent:** 26 April 2023 14:07

**Subject:** EN010138 Rivenhall IWMF and Energy Centre. EIA Scoping Notification and Consultation

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[THIS IS AN EXTERNAL EMAIL]

Dear Sir/Madam

Further to my correspondence from yesterday, please see the attached letter which provides details of the title of the project and name of the Applicant.

Regards  
Karen

Karen Wilkinson

Senior EIA Advisor

The Planning Inspectorate

T: [REDACTED]

@PINSgov The Planning Inspectorate [planninginspectorate.gov.uk](http://planninginspectorate.gov.uk)

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