



## Rivenhall IWMF and Energy Centre – EN010138

### Section 51 advice regarding draft application documents submitted by Indaver Rivenhall Ltd

On 6 September 2023, Indaver Rivenhall Ltd submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Application Index and Tracker
2. Consultation Report
3. Explanatory Memorandum
4. Draft Development Consent Order
5. Environmental Statement - Proposed Development Chapter

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

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<sup>1</sup> See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



Application Index and Tracker		
Ref No.	Column/Row	Comment/Question
1.	N/A	No comment.

Consultation Report		
Ref No.	Paragraph/Section	Comment/Question
2.	<b>General</b>	Several unhighlighted sections that have missing information were identified during the review of this document. It cannot be guaranteed that all the instances have been identified below and therefore the Applicant should review the document carefully to ensure no information to be added at a later date is omitted from the final version of the document.
	<b>Glossary</b>	Many definitions in the Glossary are simply the full versions of the listed abbreviations. The Applicant may wish to further define the terminology they use to provide better clarity. If another document has more extensive definitions, then the Applicant may wish to insert some wording to guide a reader to where they can find these. Example as per Advice Note Eight: Nationally Significant Infrastructure Project - “A project that, by reason of its scale and/or Infrastructure Project (NSIP) importance, needs Development Consent before it can be built or operated”
	<b>7.3</b>	The Applicant has highlighted that checks were carried out “multiple times throughout the consultation period”. While it may already be the Applicants intention, the Applicant may wish to use more precise terminology.
	<b>7.5</b>	The Applicant has not clarified the number of USB memory sticks sent to those who requested them. The placeholder for this figure however is not highlighted as is consistent throughout the document where information is missing. In the same section the word “no” is within brackets when referring to requests made via



Consultation Report		
Ref No.	Paragraph/ Section	Comment/Question
		email or phone during the consultation period. The Applicant is therefore reminded that these sections may need to be edited before the final version is submitted.
	<b>7.15</b>	As above “[specify number]” is not highlighted as is consistent throughout the report and could be missed.
	<b>7.24</b>	As above the final sentence of this section has an unhighlighted “[x]”.
	<b>7.53 &amp; table 6</b>	How the Applicant has had regard to matters raised during consultation is an integral component to a high standard Consultation Report. The Applicant does appear to have demonstrated this and is encouraged to complete this section where some information has been highlighted to still be added.

Explanatory Memorandum		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
<b>3.</b>		<p>This proposal is very similar to the Slough Multifuel Extension Order and this should be the reference point for this EM and DCO. Slough is currently with the SoS for decision by mid-December but all the application and examination documents are available on the PINS website.</p> <p>In particular s51 advice for Slough was issued post acceptance on issues which are similar to this application and this advice should be considered in finalising preparation of the Rivenhall application. Particularly the need to place an upper limit on the output of the extended scheme for which development consent is being sought; 50MW is just the threshold in s15 PA2008 not a description of development.</p>



Explanatory Memorandum		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
	1.1	The discussion about what is an extension is understood in terms of needing to satisfy s15 of the PA2008 but the description otherwise of what is proposed should make it clear no external physical works to the building are proposed and that it is only internal works to increase capacity and efficiency of the existing approved TCPA scheme that is the subject of the DCO.
	3.2.8	The Applicant should consider whether the existing TCPA permission can continue to govern the development authorised by the DCO. These are two separate consenting regimes.

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
4.	Art 4	The gross overall capacity of the extended plant to be authorised by the DCO should be stated.
	Art 5	The Applicant should take care not to continue to rely on TCPA conditions controlling works authorised by the DCO. There is no reason why Essex County Council would not continue to be responsible for these matters but under the provisions of the Order.



Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
	Schedule 1	Specify the gross output of the extended power plant for which development consent is granted. This cannot be unlimited, not least because there are no environmental controls contained in this Order.
		The Applicant should clarify whether there is any associated development. For example, what land is needed to construct the authorised development?
		No power to maintain the authorised development is currently contained within Schedule 1.
		Schedule 1 contains no controls over the implementation of the authorised works nor their operation. Whilst importing conditions from the existing TCPA permission is workable, as with the Slough DCO, these do need to be specifically included in the Order. Ultimately this is a Statutory Instrument (SI) which needs to be able to exist and operate on its own terms. Making it dependent on implementation of existing TCPA conditions and especially any changes to them being imported as and when is not sufficient.
		How is construction of the works authorised by the DCO controlled – a CEMP? This should be clarified.

Environmental Statement - Proposed Development Chapter		
Ref No.	Paragraph/ Section	Comment/Question
5.	General	Use Integrated Waste Management Facility then the abbreviation IWMF – comments were made in scoping that people didn't understand what the acronym stood for.
	3.4.1	Works No 1. - can you be more specific than 'a few days'?



Environmental Statement - Proposed Development Chapter		
Ref No.	Paragraph/Section	Comment/Question
	3.4.2	In respect of Works No 2. Are there any implications if the work is carried out in the factory or in an on-site workshop?

### General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”