Indaver Rivenhall IWMF DCO

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

## Examination Documents [PINS Ref: EN0101038]

# Inspector's Report APP/ Z1585/V/09/2104804

**Document Reference: EN0101038/APP/9.1.7**

**Revision Number 1.0**

**APFP Regulation 5(2)(q)**

07 May 2024
Indaver Rivenhall Ltd

Leading the field in sustainable waste management.

# 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

# CONTENTS

## 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.**

## 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.

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 IWFM. 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 $m^3$ of boulder clay, 415,000 $m^3$ of sand and gravel and 314,000 $m^3$ 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 $m^2$ 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 $CO_2$ has not been taken into account is correct to a limited extent, but only because IPPC guidance does not require biogenic $CO_2$ 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[1] (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

[1] See the Waste Directive 2008 Annex II "Recovery Operations" which includes as recovery (rather than disposal) "*R1 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 $CO_2$ 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 $CO_2$ 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 $CO_2$ 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 $NO_x$ 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 $CO_2$ 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 $CO_2$. 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 $CO_2$ 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 $CO_2$ 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 appropriative 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 $NO_x$, CO, particles, volatile organic compounds, HCI, HF and $SO_2$. 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 $PM_{2.5}$ emissions, even if it were assumed that all particles emitted from the eRCF were comprised of the fine fraction ($PM_{2.5}$) the predicted maximum concentration of such material would be 0.14 µgms/$m^3$ which is significantly less than the target value of 25µgms/$m^3$. 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 $CO_2$ 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. CABE 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 to 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 routeing 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 $dBL_{A90}$ 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 $NO_2$ and $CO_2$ 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 ($\mu g/m^3$) 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 24th 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 scrapyard 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 $NO_x$ 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 $CO_2$ 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 $CO_2$ 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 $CO_2$ should be included in carbon emission calculations for a number of reasons; the most obvious being that it is still $CO_2$ 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 $CO_2$ is regarded as recovery and the energy created is part of the recycled energy target, which also qualifies as saving of the $CO_2$ created by the average national power station in producing the same amount of electricity. The $CO_2$ 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. $NO_X$ 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 $PM_{2.5}$. A limit value of 25µgms/$m^3$ for $PM_{2.5}$ 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 $CO_2$ 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 $NO_X$ 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 $SO_2$ and $NO_2$ 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 routeing 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, EEC 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 routeing 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 $CO_2$ emissions. The total savings of $CO_2$ 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 $CO_2$ in the carbon balance. This approach is justified on the basis that $CO_2$ 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 $CO_2$ should be included in carbon emission calculations, not least because the production of biogenic $CO_2$ 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 $CO_2$ 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 charcter 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 IWMF, 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 $PM_{2.5}$. However, as indicated at paragraph 13.91 below, even if all particles emitted from the eRCF were assumed to be $PM_{2.5}$ the predicted maximum concentrations of such material would be 0.14 µgms/$m^3$ which is significantly less than the target value of 25µgms/$m^3$. [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 $0^{o}$ 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 IWMF 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 IWMF 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 appropriative 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 $NO_x$ 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 $PM_{2.5}$ and a limit value of 25µgms/$m^3$ for $PM_{2.5}$ 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 ($PM_{2.5}$) the predicted maximum concentrations of such material would be 0.14 µgms/$m^3$ which is significantly less than the target value of 25µgms/$m^3$ 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 scrapyard 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 IWMF 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 scrapyard.

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 routeing 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 $0^{o}$ 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 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 routeing 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.

*M P Hill*

INSPECTOR

## APPEARANCES

### FOR THE APPLICANTS:

| | |
|---|---|
| David Elvin QC | instructed by Linklaters LLP on behalf of Gent Fairhead & Co Limited. |
| assisted by | |
| Simon Pickles, of Counsel | |
| 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 | instructed by Solicitor to Essex County Council |
| He called | |
| 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 | Holmes and Hills Solicitors |
| He called | |
| 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 Waine | Silver End Parish Council. |
| James Abbott BSc (Hons) | Braintree District Councillor and Rivenhall Parish Councillor. |

### FOR THE COMMUNITY GROUP:

| | |
|---|---|
| John Dagg of Counsel | instructed by Alan Stones RIBA MRTPI MIHBC |
| He called | |
| John Palombi | Chairman of Witham & Countryside Society, Trustee |

| | |
|---|---|
| | Director of CPREssex. |
| Philip Hughes | District Councillor and Silver End Parish Councillor. |
| Barry Nee BA MA | Resident of Kelvedon. |
| Alan Stones AADip DipTP RIBA MRTPI MIHBC | 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)**

| | |
|---|---|
| **GF/2/A** | Proof of Evidence of Steven Smith |
| **GF/2/B** | Appendices to Proof of Evidence of Steven Smith |
| **GF/2/C** | Rebuttal Proof of Evidence of Steven Smith |
| **GF/2/D** | Appendices to Rebuttal Proof of Evidence of Steven Smith |
| **GF/2/E** | Presentation of Evidence of Steven Smith |
| **GF/3/A** | Proof of Evidence of Andrew Sierakowski |
| **GF/3/B** | Appendices to Proof of Evidence of Andrew Sierakowski |
| **GF/4/A** | Proof of Evidence of Ralph Keeble |
| **GF/4/B** | Appendices to Proof of Evidence of Ralph Keeble |
| **GF/4/C** | Rebuttal Proof of Evidence of Ralph Keeble |
| **GF/4/D** | Appendices to Rebuttal Proof of Evidence of Ralph Keeble |
| **GF/5/A** | Proof of Evidence of Christine Marsh |
| **GF/5/B** | Appendices to Proof of Evidence of Christine Marsh |
| **GF/5/C** | Rebuttal Proof of Evidence of Christine Marsh |
| **GF/5/D** | Appendices to Rebuttal Proof of Evidence of Christine Marsh |
| **GF/6/A** | Proof of Evidence of Dr Amanda Gair |
| **GF/6/B** | Appendices to Proof of Evidence of Dr Amanda Gair |

| | |
|---|---|
| **GF/6/C** | Rebuttal Proof of Evidence of Dr Amanda Gair |
| **GF/6/D** | Response to Friends of the Earth – Air Quality |
| **GF/7/A** | Proof of Evidence of David Hall |
| **GF/7/B** | Appendices to Proof of Evidence of David Hall |
| **GF/7/C** | Supplemental Proof of Evidence of David Hall |
| **GF/7/D** | Appendices to Supplemental Proof of Evidence of David Hall |
| **GF/7/E** | Rebuttal Proof of Evidence of David Hall |
| **GF/7/F** | Appendices to Rebuttal Proof of Evidence of David Hall |
| **GF/8/A** | Proof of Evidence of Dr Ian James Fairclough |
| **GF/8/B** | Appendices to Proof of Evidence of Dr Ian James Fairclough |
| **GF/8/C** | Rebuttal Proof of Evidence of Dr Ian James Fairclough |
| **GF/8/D** | Appendices to Rebuttal Proof of Evidence of Dr Ian James Fairclough |
| **GF/9/A** | Proof of evidence of Jeff Thornton |
| **GF/9/B** | Appendices to Proof of Evidence of Jeff Thornton |
| **GF/9/C** | Supplemental Proof of Evidence of Jeff Thornton |
| **GF/9/D** | Appendices to Supplemental Proof of Evidence of Jeff Thornton |
| **GF/9/E** | Response to Friends of the Earth – HHRA |
| **GF/10/A** | Proof of Evidence of Justin Bass |
| **GF/10/B** | Appendices to Proof of Evidence of Justin Bass |
| **GF/10/C** | Rebuttal Proof of Evidence of Justin Bass |
| **GF/10/D** | Appendices to Rebuttal Proof of Evidence of Justin Bass |
| **GF/10/E** | Email from the Highways Agency dated 9 June 2009 |
| **GF/10/F** | Letter from the Highways Agency dated 8 October 2009 |
| **GF/11** | Revised Non-Technical Summary |
| **GF/12** | Addendum Environmental Statement |
| **GF/13** | Application Drawings |
| **GF/13-R1** | Revised Application Drawings (to replace GF/13) |
| **GF/14** | Erratum to GF/5/B/13 (Appendix 13 to Proof of Evidence of Christine Marsh) |
| **GF/15** | Erratum to GF/2/A and GF/2/B (Evidence of Steven Smith) |
| **GF/15/A** | Further Erratum to GF/2/A (Evidence of Steve Smith) |
| **GF/16** | Erratum to Chapter 2 of GF/12 (the Air Quality Chapter of the ES Addendum) |
| **GF/17** | Agreed note on the WRATE Modelling |
| **GF/18** | Proposed Site Itinerary |
| **GF/19** | Applicant List of Appearances |
| **GF/20/A** | List of Inquiry Documents – Day 1 (Tuesday 29 September 2009) |

| | |
|---|---|
| **GF/20/B** | List of Inquiry Documents – Day 2 (Wednesday 30 September 2009) |
| **GF/20/C** | List of Inquiry Documents – Day 5 (Tuesday 6th October 2009) |
| **GF/20/D** | List of Inquiry Documents – Day 5 (Tuesday 6th October 2009) |
| **GF/20/E** | List of Inquiry Documents – Day 8 (Friday 9th October 2009) |
| **GF/20/F** | List of Inquiry Documents – Day 10 (Wednesday 14th October 2009) |
| **GF/21** | Opening Submissions on behalf of the Applicant |
| **GF/22** | Erratum to GF/6/B/10 (Appendix 10 to the Proof of Evidence of Amanda Gair) |
| **GF/23** | Erratum to GF/5/A (Proof of Evidence of Christine Marsh) |
| **GF/24** | Summary Data to Support Evidence of Ralph Keeble |
| **GF/25/A** | Indicative Inquiry Programme (Day 2) |
| **GF/25/B** | Indicative Inquiry Programme (Day 2) |
| **GF/25/C** | Indicative Inquiry Programme (Day 3) |
| **GF/25/D** | Indicative Inquiry Programme (Day 5) |
| **GF/25/E** | Indicative Inquiry Programme (Day 6) |
| **GF/25/F** | Indicative Inquiry Programme (Day 6) |
| **GF/25/G** | Indicative Inquiry Programme (Day 8) |
| **GF/25/H** | Indicative Inquiry Programme (Day 9) |
| **GF/26** | Letter from Shanks to Ralph Keeble dated 21 September 2009 |
| **GF/27** | Note of WRATE Modelling – Agreed Between David Hall and Ian Gilder |
| **GF/28** | Email from the Environment Agency in Respect of the Environmental Permit Application |
| **GF/29** | Negotiation of the RCF Section 106 Agreement |
| **GF/30** | Supplementary Note to Ralph Keeble's Evidence |
| **GF/31** | Supplementary Note on Tissue Mill Feedstock – by Ralph Keeble |
| **GF/32** | Note on Heritage Significance of Rivenhall Airfield |
| **GF/33** | Supplementary Note of EERA Review Consultation – by Ralph Keeble |
| **GF/34** | Supplementary Information - prepared by Amanda Gair |
| **GF/35** | Note on Tranquillity Mapping |
| **GF/36** | Erratum to CD/2/6 (Appendix 1 to the Ecological Impact Assessment Chapter) |
| **GF/37** | 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) |
| **GF/38** | Flexibility of the eRCF |
| **GF/39** | Directions to Frog Island WMF for site visit on Friday 16 October (Meeting there at 10.30am |
| **GF/40** | Note addressing letter to the Inquiry from Glendale Power dated 8 October 2009 (CD/15/5/B) |
| **GF/41** | eRCF Preliminary Lighting Schedule |
| **GF/42** | eRCF Maintenance Note |

| | |
|---|---|
| **GF/43** | Explanation of changes to application drawings |
| **GF/44** | Closing submissions |
| **GF/45** | 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)

| | |
|---|---|
| **ECC/1** | Statement of Case |
| **ECC/2** | Proof of Evidence of Claire Tomalin |
| **ECC/3** | Summary Proof of Evidence of Claire Tomalin |
| **ECC/4** | Opening Submissions on behalf of ECC |
| **ECC/5** | Email from ERM to Lesley Stenhouse at ECC and Response |
| **ECC/6** | Supplementary Note of EERA Review Consultation – prepared by Claire Tomalin |
| **ECC/7** | Proposed Conditions (with comments where condition not agreed between ECC and the Applicant) |
| **ECC/8** | Revised version of ECC/7 with changes marked to show additional comments following Inquiry session on 13 October 2009 |
| **ECC/9** | Closing submissions |

## Submitted by Local Council's Group (LC)

| | |
|---|---|
| **LC/1/A** | Proof of Evidence of Ian Gilder |
| **LC/1/B** | Appendices to Proof of Evidence of Ian Gilder |
| **LC/1/C** | Supplementary Proof of Evidence of Ian Gilder |
| **LC/1/D** | Rebuttal Proof of Evidence of Ian Gilder |
| **LC/1/E** | Note on ERM 2009 Report (CD/10/4) |
| **LC/2/A** | Proof of Evidence of Teresa Mary Lambert |
| **LC/2/B** | Appendices to Proof of Evidence of Teresa Mary Lambert |
| **LC/3A** | Proof of Evidence of Melanie A'Lee |
| **LC/3/B** | Appendices to Proof of Evidence of Melanie A'Lee |
| **LC/4/A** | Proof of Evidence of Tony Dunn |
| **LC/4/B** | Appendices to Proof of Evidence of Tony Dunn |
| **LC/5/A** | Proof of Evidence of Michael Horne |
| **LC/6/A** | Proof of Evidence of Robert Wright |
| **LC/7/A** | Proof of Evidence of Alan Waine |
| **LC/8/A** | Proof of Evidence of James Abbott |
| **LC/8/B** | Appendices to Proof of Evidence of James Abbott |
| **LC/9** | List of Appearances for the Local Councils |
| **LC/10** | Opening Submissions on behalf of the Local Councils |
| **LC/11/A** | Plan showing Parish boundaries |

| | |
|---|---|
| **LC/11/B** | Plan showing certain referenced roundabouts |
| **LC/11/C** | Plan showing certain referenced local roads |
| **LC/12** | Closing submissions |
| **LC13-14** | These have been numbered as CD/16/3-4 |

## Submitted by Community Group (CG)

| | |
|---|---|
| **CG/1/A** | Proof of Evidence of John Palombi |
| **CG/1/B** | Appendices to Proof of Evidence of John Palombi |
| **CG/2/A** | Proof of Evidence of Philip Hughes |
| **CG/2/B** | Appendices to Proof of Evidence of Philip Hughes |
| **CG/3/A** | Proof of Evidence of Barry Nee |
| **CG/4/A** | Proof of Evidence of Alan Stones |
| **CG/4/B** | Appendices to Proof of Evidence of Alan Stones |
| **CG/5** | List of Appearances and Opening Submissions on behalf of the CG |
| **CG/6** | Closing submissions |

## Submitted by other parties and individuals (OP)

| | |
|---|---|
| **OP/1** | Submission on behalf of Saffron Walden Friends of the Earth, together extract of Environmental Report, dated February 2008, to Essex County Council by Eunomia. |
| **OP/2** | 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) |
| **OP/3** | Submission from Stewart Davis |
| **OP/4** | Submission from Eleanor Davis |
| **OP/5** | Submission from Kate Ashton, including appendices. |
| **OP/6** | Submission by Paula Whitney, together with 7 appendices, on behalf of Colchester and North East Essex Friends of the Earth |
| **OP/7** | 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 |
|---|---|---|
| **1** | | **Call In Letter** |
| 1 | 1 | Government Office for the East of England Call in Letter - 12.05.09 |
| **2** | | **eRCF Planning Application and Associated Documents - ESS/37/08/BTE** |
| 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 |
| **3** | | **RCF Planning Application and Associated Documents - ESS/38/06/BTE** |
| 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 & Compositing 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) |
| **4** | | **European Legislation and Guidance** |
| 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) |
| **5** | | **Statutory Development Plan and Associated Documents** |
| 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 |
| **6** | | **National Planning Policy** |
| 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) |
| **7** | | **Circulars** |
| 7 | 1 | Circular 11/95: Use of conditions in planning permission |
| 7 | 2 | Circular 05/05: Planning obligations |
| **8** | | **Other Law, Policy and Strategy Documentation** |
| 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) *Understanding Historic Buildings: A guide to good recording practices* |
| 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) |
| **9** | | **Previous Inquiry Documents and Other Planning Permissions** |
| 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. |
| **10** | | **Industry Reports and Assessments** |
| 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) |
| **11** | | **The Council Group Documents** |
| 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 |
| **12** | | **The Community Group Documents** |
| 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 |
| **13** | | **Statement of Common Ground** |
| 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 |
| **14** | | **Section 106 Agreement** |
| 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 |
| **15** | | **Third Party Correspondence** |
| 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 |
| **16** | | **Comments on the EA response to Addendum to ES and on any other representations on the Addendum received by 14 October 2009.** |

| | | |
|---|---|---|
| 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** |
|---|---|---|
| **Commencement** | | |
| 1. Commencement within 5 years, 30 days prior notification of commencement. | **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.<br><br>**Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).** | |
| **Approved Plans and Details** | | |
| 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. |
| | **Title** | |
| | 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<br><br>**Reason: For the sake of clarity and the avoidance of doubt** | |
| **Traffic and Access** | | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| 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. | **3.** The total number of Heavy Goods Vehicle [HGV[1]] 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 IWMF[2] hereby permitted shall not exceed the following limits:<br>404 movements 202 in and 202 out per day (Monday to Friday)<br>202 movements 101 in and 101 out per day (Saturdays)<br>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.<br><br>No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.<br><br>[1]An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.<br><br>[2] IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.<br><br>**Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policy MLP13 and WLP policies WLP W4C & W10E.** | |
| 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. | **4.** The total number of Heavy Goods Vehicles [HGV[1]] 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:<br><br>404 movements 202 in and 202 out per day (Monday to Sunday).<br><br>No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.<br><br>[2] IWMF shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.<br>**Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E.** | |
| 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. | **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.<br>**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.** | |

| **Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009** | **Proposed conditions** | **Comments by parties** |
|---|---|---|
| 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.<br><br>5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.<br><br>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. | **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.<br><br>**Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E & W10G, and MLP policy MLP13.** | |
| 5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided. | **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.<br><br>**Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policy W10E & W10G, and MLP policy MLP13.** | |
| 6. All vehicles shall only enter and leave the Site using the Coggeshall Road (A120) junction. | **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.<br><br>**Reason: In the interests of pedestrian safety and safeguarding local environment and amenity and compliance with WLP policies W4C &W10E and MLP policies MLP3 & MLP13.** | |
| 7. No vehicles shall park within passing bays on the access road between Church Road and Ash Lane. | **9.** No vehicles shall park on the haul road between the A120 and Ash Lane.<br><br>**Reason: In the interests of safeguarding the local environment and amenity and to comply with MLP Policy MLP13 and WLP Policy W10E.** | |
| **Cultural Heritage** | | |
| 8. No development until a programme for archaeological investigation. | **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.<br><br>**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.** | |

| 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. | **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.<br><br>**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.** | |
| 10. No development affecting the moat until details of the proposed improvements and water supply submitted for approval. | **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.<br><br>**Reason: To ensure protection of any historical and/or ecological interest to comply with MLP policy MLP13 and WLP policy W10E.** | |
| 11. No development until details of signage, telecommunications and lighting within the vicinity of Woodhouse Farm have been submitted. | **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.<br><br>**Reason: To protect the setting and appearance of the Listed Buildings and to comply with WLP policy W10E and BDLPR policy RLP100.** | |
| **Design and Layout** | | |
| 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.<br><br>&<br><br>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. | **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:<br><br>(a) elevations, sections and plan views to appropriate scales and construction details;<br><br>(b) samples of the finish of the stack to provide a mirrored reflective surface; and<br><br>(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.<br><br>The stack shall be constructed and maintained in accordance with the details approved<br><br>**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.** | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| 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. | **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.<br><br>**Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policies RLP78 & RLP90.** | |
| 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. | **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.<br><br>**Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.** | |
| 16. No development shall commence until details of the green roofs have been submitted. | **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.<br><br>**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 & RLP90.** | |
| 17. No development shall take place until details of the layout of the waste management facility have been submitted. | **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.<br><br>**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.** | |
| 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.<br><br>&<br><br>49. No redundant plant or machinery, containers, skips, trailers or vehicles shall be parked other than within designated areas. | **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.<br><br>**Reason: To limit the impacts on local amenity and the local environment and to comply with WLP policy W10E and BDLPR policy RLP78.** | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| 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. | **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.<br><br>**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.** | |
| **Water Resources** | | |
| 19. No development shall take place until a detailed scheme for foul water has been submitted and approved. | **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.<br><br>**Reason: To minimise the risk of pollution of water courses, aquifers and minimise the risk of flooding to comply with WLP policy W4B & W10E and BDLP policy RLP 100.** | |
| 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. | **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.<br><br>**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 & W10E.** | |
| 21. No excavation shall take place until a scheme identifying locations for the installation of boreholes to monitor groundwater has been submitted. | **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.<br><br>**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 & W10E.** | |
| 22. In the event that contamination is found the developer shall submit details of mitigation and remediation for approval. | **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.<br><br>**Reason: To minimise the risk of pollution of water courses, aquifers and to comply with MLP policy MLP13 and WLP policies W4B &W10E and BDLPR policy RLP64.** | |
| **Waste Management** | | |

| 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. | **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.<br><br>**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 & WM3 and WLP policies W4C, W8A & W7G.** | |
| 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. | **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.<br><br>**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 & WM3 and WLP policies W4C, W8A & W7G.** | |
| | **28.** (i) SRF shall be sourced internally from the IWMF or within the administrative boundaries of Essex and Southend-on-Sea.<br><br>(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 IWMF, 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.<br><br>(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.<br><br>**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 & WM5 and WLP policies W3A, W3C, W6A, W7A, W7B, W7C and W10E.** | GFC: Five years appropriate<br><br>ECC: One year appropriate |
| 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. | **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.<br><br>**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 & WM4 and WLP policies W3A, W3C, W8A,& W10E.** | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| 26. No more than 435,000 tpa of waste (MSW and/or C&I) as MOW, MDR or unsorted waste, shall be imported to the Site, except C&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. | *[NO CONDITION REQUIRED - MERGED WITH PREVIOUS CONDITION]* | |
| 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. | **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.<br><br>(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.<br><br>(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.<br><br>**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 & 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.** | GFC do not agree to proposed condition. Applicant would prefer one of the following, in order of preference:<br><br>No Condition<br><br>OR<br><br>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.<br><br>OR<br><br>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.<br><br>**Reason: To comply with RSS policy WM3.** |

| **Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009** | **Proposed conditions** | **Comments by parties** |
|---|---|---|
| 28. No waste brought onto the Site shall be discharged, deposited, handled, stored, composted or otherwise processed outside the buildings. | **31.** No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.<br>**Reason: To ensure minimum disturbance from operations and to avoid nuisance to local amenity and compliance with WLP policy W10E and BDLPR policy RLP62.** | |
| 29. No waste materials other than those arriving in enclosed containers, and enclosed or sheeted vehicles shall be accepted for processing. | **32.** All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.<br>**Reason: To ensure controlled waste operations and the containment of waste materials in compliance with WLP policy W10E and BDLPR policy RLP62.** | |
| 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. | **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.<br>**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** | |
| **Hours of Working** | | |
| 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. | **34.** No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:<br>07:00-18:30 hours Monday to Friday, and<br>07:00 -13:00 hours Saturdays<br>and shall not take place on Sundays, Bank and Public Holidays<br>except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority**.**<br>**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 & W10F and BDLPR policy RLP62.** | 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<br>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. | **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.<br>**Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E & W10F and BDLPR policy RLP62.** | |

<table>
<tr><th>Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009</th><th>Proposed conditions</th><th>Comments by parties</th></tr>
<tr><td>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.</td><td>36. No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours<br><br>07:00 and 18:30 hours Monday to Friday and<br><br>07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays<br><br>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.<br><br>Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and compliance with WLP policies W10E & W10F and BDLPR policy RLP62.</td><td></td></tr>
<tr><td>Footpaths</td><td></td><td></td></tr>
<tr><td>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</td><td>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.<br><br>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.</td><td></td></tr>
<tr><td>Noise</td><td></td><td></td></tr>
<tr><td>36. Except for temporary operations, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the $L_{Aeq\ 1\ hour}$ levels set out in the following table:</td><td>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:
<table>
<tr><th>Noise Sensitive Properties</th><th>Location Criterion dB L A eq 1 hour</th></tr>
<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>
</table></td><td></td></tr>
</table>

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| | 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.<br><br>**Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.** | |
| 37. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 47 dB(A) $L_{Aeq\ 1\ hour}$ between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties adjoining the Site. | **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.<br><br>**Reason: In the interests of residential and local amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.** | |
| 38. The free field Equivalent Continuous Noise Level ($L_{Aeq\ 1\ hour}$) shall not exceed 40 dB(A) $L_{Aeq\ 1\ hour}$ 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. | **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.<br><br>**Reason: In the interests of residential and local amenity and to comply with WLP policy W10E and BDLPR policy RLP62.** | |
| 39. Noise levels shall be monitored at three monthly intervals at up to five locations as agreed with the Mineral/Waste Planning Authority. | **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.<br><br>**Reason: In the interests of amenity and to comply with MLP policy MLP13, WLP policy W10E and BDLPR policy RLP62.** | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| 40. For temporary operations, the free field noise level at sensitive properties shall not exceed 70 dB a $L_{Aeq\ 1\ hour}$ 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. | **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.<br><br>**In the interests of residential and local amenity and to comply with MLP policy MLP13.** | |
| | | |
| **Lighting** | | |
| 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. | **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.<br><br>**Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 & RLP90.** | |
| 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. | **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.<br><br>**Reason: In the interests of local amenity and fauna and to comply with WLP policy W10E and BDLPR policies RLP 65 & RLP90.** | |
| **Operations** | | |

| 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. | **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.<br><br>**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.** | |
| 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. | **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.<br><br>**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.** | |
| 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. | **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 [3] and no movement of soils shall take place:<br><br>(a) During the months November to March (inclusive);<br>(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<br>(c) When there are pools of water on the soil surface.<br><br>[3] 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.<br><br>**Reason: To minimise the structural damage and compaction of the soil and to comply with MLP policy MLP13 and WLP policy W10E.** | |
| 44. No processing other than dry screening of excavated sand and gravel shall take place within the Application Site. | **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.<br><br>**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, & MLP13.** | |

| 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. | **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.<br><br>**Reason: To minimise the risk of pollution to water courses and aquifers to comply with MLP policy MLP13 and WLP policies W4B & W10E.** | |
| 46. Prior to commencement details of any permanent site perimeter fencing details shall be submitted for approval. | **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.<br><br>**Reason: In the interest of the amenity of the local area and to comply with MLP policy MLP13, WLP policy W10E and BDLPR 78.** | |
| 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. | **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<br><br>(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:<br><br>(i) ; The suppression of dust caused by handling, storage and processing of waste; and<br>(ii) Dust suppression on haul roads, including speed limits;<br><br>In relation each scheme provision for monitoring and review.<br><br>The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.<br><br>**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.** | |
| 48. Prior to the importation of waste details of external equipment required to prevent fugitive odour nuisance shall be submitted. | **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.<br><br>**(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.<br><br>**Reason: In the interest of local amenity and to comply with MLP policy MLP13 and WLP policy W10E.** | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| **Ecology** | | |
| 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. | **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.<br><br>**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 & ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.** | |
| 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. | **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:<br><br>(i) Description and evaluation of the features to be managed;<br>(ii) Ecological trends and constraints on site that may influence management;<br>(iii) Aims and objectives of management;<br>(iv) Appropriate management options for achieving aims and objectives;<br>(v) Prescriptions for management actions;<br>(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);<br>(vii) Personnel responsible for implementation of the plan; and<br>(viii) Monitoring and remedial / contingencies measures triggered by monitoring.<br><br>The development shall be implemented in accordance with the approved plan.<br><br>**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 & ENV 2, MLP policy MLP13, WLP policy W10E and BDLPR policy RLP84.** | |
| 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. | **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.<br><br>**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.** | |
| **Screening and Landscaping** | | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| 54. There shall only be one stack the CHP stack. The CHP stack shall not exceed 81 m AOD. | **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.<br><br>**Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90** | |
| 55. All landscaping and planting shall be undertaken during the first available planting season. | **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.<br><br>**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.** | |
| 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. | **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.<br><br>**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.** | |
| 57. No development shall take place until details of tree retention and protection measures have been submitted. | **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.<br><br>**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.** | |
| 58. No development until details for the protection and watering of trees adjacent to the retaining wall have been submitted and approved. | **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.<br><br>**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.** | |

| Conditions subject to which ECC resolved it was minded to grant planning permission on 24 April 2009 | Proposed conditions | Comments by parties |
|---|---|---|
| **Woodhouse Farm/Visitors/Education Centre** | | |
| 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.<br><br>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.<br><br>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. | **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.<br><br>**Reason: In the interest of the amenity of the local area and to comply with WLP policy W10E and BDLPR policy RLP90 and RLP100.** | |
| | **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 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.<br><br>**Reason: To ensure minimum impact on the safe movement of otters and voles and to comply with WLP policy W10E.** | |
| | **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.<br><br>**Reason: In the interests of highway safety and safeguarding local amenity and to comply with WLP Policy W10E and BDLPR policy RLP87.** | |