

Indaver Rivenhall IWMF DCO

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure)

Regulations 2009

**Examination Documents [PINS Ref:
EN0101038]**

Applicant's Responses to ExQ2

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09 July 2024

Indaver Rivenhall Ltd

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VERSION HISTORY

Version no.	Date	Submission	Status	Doc Ref	PINS Ref
1	09 July 2024	Deadline 4	Latest	9.4.2	

Glossary

Abbreviation	Definition
Applicant	Indaver Rivenhall Limited
The Consented Scheme	The IWMF as approved by the IWMF TCPA Permission that is currently under construction at the IWMF Site.
dDCO	Draft Development Consent Order. This being the draft Order prepared by the Applicant.
DCO	Development Consent Order. A DCO is the form in which the Secretary of State grants consent for development applied for under the Planning Act 2008.
DSM plant	Dry Silo Mortar plant
ECC	Essex County Council
EfW	Energy from Waste. Treatment processes and technologies used to generate a useable form of energy and which also reduce the solid volume of residual waste.
EIA	Environmental Impact Assessment. A process for predicting the effects of a proposed development on the environment that informs decisionmakers in relation to planning permissions, consents, licences and other statutory approvals, as required by Directive 2014/52/EU (the EIA Directive).
Environmental Permit	Environmental Permit (No.: EPR/FP3335YU), as varied by (No. EPR/FP3335/YU/V002, date 03 June 2020), and transferred to the Applicant (No. EPR/CP3906LP).
ES	Environmental Statement. The document reporting the process and outcomes of the EIA. Book 6 of this Application.
ExA	Examining Authority
Examination	The examination of the DCO Application submitted by the Applicant by the Planning Inspectorate on behalf of the Secretary of State, which began on 9 th April 2024.
ExQ2	Examining Authority's second written questions and requests for further information (issued 25 June 2024).
Host Authorities	The relevant planning authorities within which the Proposed Development is located, being Braintree District Council and Essex County Council.
IWMF	Integrated Waste Management Facility
IWMF Site	The location of the IWMF as approved by the IWMF TCPA Permission.
IWMF TCPA Permission	Planning permission reference ESS/39/23/BTE (as amended and superseded from time to time, including by permissions granted pursuant to sections 73 and 96a of the TCPA 1990), dated 26 January 2024, for the development of an Integrated Waste Management Facility at the former Rivenhall Airfield.
MW	Megawatt of electricity
NIA	Noise Impact Assessment
NSRs	Noise Sensitive Receptors

NSIP	Nationally Significant Infrastructure Project. A project that, by reason of its scale and/or Infrastructure Project (NSIP) importance, needs Development Consent before it can be built or operated.
PINS	Planning Inspectorate
Proposed Development	The application for which Development Consent is being sought – the proposed extension to the electrical generating capacity of the EfW component of the Rivenhall IWMF.

1 Introduction

- 1.1 This document (Doc Ref 9.4.2) has been prepared on behalf of Indaver Rivenhall Ltd ('the Applicant'). It forms part of the application ('the Application') for a Development Consent Order (a 'DCO') that was submitted to the Secretary of State ('SoS') for the Department of Energy Security and Net Zero ('DESNZ') under section 37 of the Planning Act 2008 ('the PA 2008') on 10th November 2023. The Application was accepted for examination by the Planning Inspectorate on 8th December 2023, and the examination started on 9th April 2024.
- 1.2 The Applicant is seeking development consent for the extension of the electrical generating capacity of the Rivenhall Integrated Waste Management Facility ('the Consented Scheme') at land within the former Rivenhall airfield near Witham, Essex ('the Site').
- 1.3 A DCO is required for the extension as it would result in the onshore generating station having a capacity of more than 50MW and would constitute a Nationally Significant Infrastructure Project ('NSIP') for the purposes of section 14(1)(a) of the PA 2008.

2 Purpose of this document

- 2.1 The purpose of this document is to set out the Applicant's responses to the Examining Authority's written questions and requests for information ('ExQ2') issued on 25 June 2024.
- 2.2 The Applicant's responses to each written question is provided in **Section 3** of this document (Doc Ref 9.4.2). The ordering of the responses corresponds to the order in which the topics appear in the ExQ2 document.

3 Response to Examining Authority’s written questions and requests for information

Ref	Respondent	Question	Response
Q2.1 General and Miscellaneous			
Q2.1.1	Essex County Fire and Rescue Service East of England Ambulance Service NHS Trust	The ExA asked the Applicant whether compliance with the Emergency Preparedness and Response Plan [REP1-012] should be secured in the dDCO. The Applicant stated at ISH1 [EV3-004, 00:45:18] [EV3-005] that the Construction Design and Management Regulations 2015 apply, which suitably deal with the matter and there is no need for duplication in the dDCO. Do ECFRS and EEAST accept this position. If not, please explain fully any remaining concerns.	
Q2.2 Climate Change and Greenhouse Gases			
Q2.2.1	Essex County Council Braintree District Council	Both ECC and BDC are of the view that it is unclear what the climate change impact will be from the Proposed Development and how this will affect local carbon emissions. The Applicant set out at ISH1 [EV3-002] [EV3-003] that the carbon emissions of the consented scheme were assessed when it was originally consented. ECC and BDC, explain why the	

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		assessment undertaken for the consented scheme does not provide the information sought.	
Q2.2.3	Braintree District Council	BDC has set out [REP3-013] that it will reply to points raised by the Applicant on methodological matters at ISH1 [EV3-002] [EV3-003] at Deadline 4. Given the short time remaining in the examination, please provide this information in reply to this question.	
Q2.3 Consented Development			
		No further questions in this section at this stage.	
Q2.4 Cumulative Effects			
		No further questions in this section at this stage.	
Q2.5 Development Consent Order			
Q2.5.1	Essex County Council	The Applicant has provided a Technical Note on decommissioning and the requirements of NPS EN-1 [REP3-001, Appendix 4]. This concludes that due to the limited nature of the works there would be no significant effects during decommissioning and therefore, there is no reasonable basis for imposing a requirement in the dDCO requiring a decommissioning plan to be provided. Further, the Applicant noted that any requirement requiring details of the	

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		decommissioning of the consented scheme would not be relevant to the development to be permitted and so cannot reasonably be imposed. Do ECC accept the Applicant's position? If not, explain fully why this is the case.	
Q2.5.2	Essex County Council	ECC has requested [REP3-014] a change to the dDCO to include a requirement in relation to the Local Liaison Group. The Applicant is of the view [REP3-010] that the remit of the Site Liaison Group under Schedule 3 of the Section 106 Agreement is the Application Site (i.e. the Consented Scheme redline) and therefore automatically includes the Proposed Development. Is this accepted by ECC? If not, explain fully why this is the case.	
Q2.5.3	Essex County Council	The Applicant has sought to make additions to the dDCO [REP3-004] under the interpretation of the 'TCPA permission' to include: 'any planning permission granted by the relevant planning authority pursuant to planning application ESS/02/22/BTE'. ECC, confirm whether you consider reference to planning application ESS/02/22/BTE to be appropriate.	
Q2.5.4	Applicant	The most recent version of the Applicant's dDCO [REP3-004] makes changes to	The Applicant thanks the ExA for highlighting this formatting error in the most recent version of the

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		some of the numbering to now include (a) to (g). Explain why this is necessary.	Applicant's dDCO [REP3-004]. This has been resolved in the revised dDCO v3 (Doc Ref 3.1) .
		See ExA's proposed Schedule of Changes to the dDCO for further Development Consent Order matters.	Please refer to the responses provided in the Applicant's Comments on ExA's proposed Schedule of Changes to the dDCO (Doc Ref 9.4.3) .
Q2.6 Noise			
Q2.6.1	Applicant	<p>The Applicant has provided a Technical Memorandum [REP3-001, Appendix 2] that considers the cumulative noise effects of the Proposed Development with the Dry Silo Mortar (DSM) plant at Bradwells Quarry. ECC has noted [REP3-017] that the assessment does not include the bagging plant that is also permitted to operate at the same time as the DSM plant. Further, ECC consider [REP3-017] that it is prudent to also consider whether the DSM operating at its consented noise limits, in combination with the Proposed Development, could cause a significant adverse cumulative effect.</p> <p>a. Provide a revised note that also considers the bagging plant as a source of potential noise.</p> <p>b. What is the Applicant's reply to ECC's view that the cumulative effects of the consented noise limits for the DSM plant</p>	<p>a. SLR has requested the original noise assessment for the bagging plant to determine cumulative noise levels, however this has not yet been received. In the absence of this data, a full assessment cannot be undertaken. However, SLR have undertaken an indicative assessment as part of their response to ECC which is included in a separate document (Doc Ref 9.4.4).</p> <p>b. It should be noted that based on the information available, all evidence suggests that the DSM plant is not operating up to its consented limits i.e.:</p> <ul style="list-style-type: none"> The approved noise assessment for the extension of hours at the DSM plant predicts a worst-case noise level of 39dB at Herons Farm (3/5dB below the respective 44dB evening and 42dB night-time limit); and The noise from the facility has not been audible during the compliance monitoring exercises. <p>In addition, Conditions 23 and 24 included within the decision notice (Ref: ESS/20/17/BTE) for the extension of</p>

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		and the Proposed Development should be assessed?	<p>hours at the DSM provide measures that would reduce overall noise levels, such as white noise reverse alarms and silencers to be fitted to all vehicles/plant.</p> <p>However, SLR have amended the cumulative noise predictions which were included within the Technical Memorandum so that noise levels of 44dB and 42dB are predicted at the closest receptor (Herons Farm) during the evening and night-time (06:00 to 07:00) periods respectively.</p> <p>Further to the above, SLR have then predicted the noise levels from the DSM at all other noise-sensitive receptors (NSRs) considered using the same prediction methodology as described in the Technical Memo.</p> <p>These predicted noise levels have then been logarithmically added to the predicted evening and night-time noise levels from the Proposed Development to calculate the cumulative level.</p> <p>Based on this additional assessment, the cumulative noise levels from the Proposed Development and worst-case DSM operations (when the DSM is working at its limits at the nearest receptor) are within the noise limits at all the Noise Sensitive Receptors during both the evening and night-time period, with the exception of Herons Farm.</p>

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			<p>With regards to Herons Farm, the noise limits for the DSM during the evening and night-time are higher than the consented limits for the Proposed Development. By assuming the DSM is operating at its limit at Herons Farm, the consented noise limits for the Proposed Development of 42dB during the evening and 40dB during the night-time is exceeded without any contributions from the Proposed Development.</p> <p>Therefore, in conjunction with the magnitude of impact and level of effect matrix included within the ES [APP-033], the cumulative effects associated with the Proposed Development and worst-case DSM operations during the evening and night-time period would still have a <i>'negligible'</i> level of effect at all assessed Noise Sensitive Receptors, with the exception of Herons Farm, which is not considered significant in EIA terms.</p> <p>With regards to Herons Farm the cumulative assessment has shown that there would be a 2dB exceedance in the evening and night-time noise limits, which as a worst-case and in conjunction with the magnitude of impact and level of effect matrix included within the ES [APP-033] would equate to a <i>'moderate'</i> level of effect which is considered significant in EIA terms.</p> <p>However, as previously explained, the exceedance in the noise limits for the Consented Scheme are being caused by the DSM operating at its consented limits which are</p>

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			<p>higher than those for the Proposed Development, therefore the limits are already being exceeded without the Proposed Development, which is not having any additional impacts at Herons Farm.</p> <p>Following on from the above, although SLR have carried out an additional cumulative assessment of the Proposed Development alongside the DSM and bagging plant at the request of ECC, this is not considered relevant to this DCO application. As set out within the Rivenhall DCO EIA Scoping Report (dated April 2023) and the ES Volume I, Chapter 6: EIA Methodology in the Basis of Assessment sections, the approach applied in the ES was to use a 'Future Baseline Scenario' which assumes '<i>a future date when the EfW plant in the Consented Scheme is built and with its theoretical operation based on the Consented Scheme</i>' (ES Volume I, Chapter 6: EIA Methodology, paragraph 6.3.5).</p> <p>It assesses this future baseline scenario in comparison to '<i>the incremental change associated with the Proposed Development... (i.e. the assessment of any operational changes relative to the Consented Scheme)</i>' (ES Volume I, Chapter 6: EIA Methodology, paragraph 6.3.5).</p> <p>Consideration of the present-day baseline, of which the DSM and bagging plant form part of, is not considered</p>

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			<p>necessary to understand the change in effect associated with the Proposed Development from the operation of consented EfW as per the Consented Scheme being built and in-situ. Therefore, it is not considered relevant to this DCO application to assess the DSM and bagging plant cumulatively alongside the Proposed Development.</p>
Q2.6.2	Applicant	<p>ECC has set out [REP3-017] that a full review of the noise modelling has not been possible due to the supporting data (such as manufacturer datasheets, noise measurement data and internal room noise level calculations) not being made available. Applicant, explain why these have not been provided.</p>	<p>As a precursor, it should be noted that this question relates to noise generated by the Consented Scheme. It is common ground between the Applicant and ECC that the Proposed Development would not result in any noticeable increase in noise generated by the Consented Scheme.</p> <p>With regards to the supporting data, the modelling and subsequent assessment was based on the information available, and this level of information was not provided to SLR.</p> <p>However, the source noise data has been provided by the EPC Contractor (HZI), and they are design limits for noise sources/buildings, inlets and outlets which cannot be exceeded. The data provided also includes the attenuation/transition loss provided by the claddings to the relevant noise generating buildings and any silencers/acoustic louvres that would need to be fitted to inlets, outlets and stacks.</p>

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			<p>Octave band data was then provided for each source/noise generating buildings which were based on HZI's catalogue of data from similar projects and considered the attenuation measures as described above.</p> <p>These noise levels were then used within the noise model.</p> <p>It must be reiterated that the information has been provided directly from HZI who have built a significant number of EfW plants throughout the UK and who have a contractual obligation to ensure that the noise levels generated by the Proposed Development meet the Consented Scheme noise limits at the sensitive receptors, otherwise they cannot hand over the plant to the operator at the contractual takeover date. Therefore, the Consented Scheme has been designed to meet the consented noise limits and these design parameters have been utilised as the basis of the modelling and assessment.</p> <p>It is also a contractual obligation for HZI to undertake compliance monitoring as part of their takeover tests, to ensure that the consented noise levels are being met at all receptors assessed for the Consented Scheme (far-field) and the noise limits for the relevant items of noise generating plant are also met (near-field).</p> <p>If the monitoring were to determine that any limits would be exceeded, then HZI would have to mitigate accordingly.</p>

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			<p>To conclude, until it has been confirmed that the Consented Limits are met by HZI, the Consented Scheme would not be handed over to Indaver.</p> <p>Based on the above, though the supporting data is not available, it is considered that the noise source data included within the model is robust and as accurate as reasonably practicable.</p>
Q2.6.3	Applicant	<p>ECC has considered the information provided by the Applicant on the source noise data [REP3-015] and has some concerns that it may not represent the reasonable worst-case conditions. The most pertinent concerns that ECC consider could result in an under prediction of noise levels are the level of reflection that has been assumed from the surfaces of buildings within the model and noise source directivity, particularly if there are examples of noise source propagation from sources to receivers that are on-axis and consequently more likely to result in an increase in prediction noise level at receptors.</p> <p>Applicant, set out fully why you consider the source noise data assumptions to be robust, responding to each of the concerns raised by ECC.</p>	<p>With reference to reflections on the surfaces of buildings, a reflection loss of 2.0dB has been assigned to existing buildings outside of the Site boundary (i.e. receptors and associated outbuildings) so as to represent a structured façade.</p> <p>With regards to the buildings at the Site, the reflection loss of Site buildings has been reduced to 0.9dB (0.18 absorption coefficient) in-line with information received by the EPC contractor and this change has not made any material effect on the assessment.</p> <p>Additionally, as noted within the document, the model assumes 3 orders of reflection, which is considered to represent a robust, worst-case scenario for predicted noise levels.</p> <p>With regards to directivity, the model has been reviewed and it is considered that at the closest receptors which have the potential to experience the greatest impacts,</p>

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			<p>there are no sources directly on-axis and therefore no directivity has been assigned.</p> <p>Based on the above, it is considered that assuming no directivity represents a robust approach as noise will be propagating from all sources in all directions and contributing to the predicted noise levels at the nearest receptors locations which are off-axis.</p> <p>SLR have reviewed all the other comments from ECC regarding the noise modelling and have responded to those queries here and within a separate document (Doc Ref 9.4.4).</p>
Q2.6.4	Applicant	<p>ECC consider [REP3-015] that there is the potential for the over prediction of source noise in the modelling, such as the receiver height at the sensitive receptor known as The Lodge at night and the omission of source directivity for noise sources where the noise propagation path is off-axis. Applicant, confirm if this is the case and if so, set out the implications for the assessment.</p>	<p>With regards to The Lodge, as this has been identified as a bungalow, the night-time receiver height has been reduced to 1.5m and the building height reduced to 4m.</p> <p>With regards to the noise source which could be considered off-axis, namely the stack, as recommended by Jacobs this has been re-modelled, so the point sources are acting as a Chimney with:</p> <ul style="list-style-type: none"> • A directivity in the 'Z' axis i.e. pointing upwards. • An exhaust velocity of 20m/s (which has been confirmed with the operator). • An exhaust gas temperature of 250oC (which has been confirmed with the EPC contractor). • A Wind Speed of 3m/s.

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			These updates have not made a material impact on the assessment and the overall conclusions remain as reported within the ES Chapter [APP-033].