

Our Ref: 2007406  
PINS Ref: EN010138  
Enquiries to: Mark Woodger

Via the on-line Portal only

For the attention of Jonathan Manning

Date: 23<sup>rd</sup> July 2024

Dear Mr Manning,

**RIVENHALL EFW – IWMF EN010138  
ESSEX COUNTY COUNCIL 2007406  
DEADLINE 5 SUBMISSIONS**

Please find set out below and attached Essex County Council's (ECC) Deadline 5 submissions. These consist of the following:

1. Comments on responses to ExA's proposed Schedule of Changes to the dDCO
2. Comments on any other information and submissions received at D4
3. ECC Draft Development Consent Order (Ddco) (attached)

To note the latest iteration of the Statement of Common Ground (SoCG), V3.5, which has been discussed with the scheme promoters, and countersigned by ECC, will be submitted by the applicants at this Deadline.

**1. Comments on responses to ExA's proposed Schedule of Changes to the dDCO**

The 65MW Cap

ECC considers, as set out in their response at the Deadline 03 submission at REP3-017, that allowing electricity generation to be unlimited, as is the case within the current

as amended DCO submitted by the Applicant's at Deadline 04, reference REP4- 003, is unacceptable. The implications of not limiting the energy output to 65MW, in the opinion of ECC, go beyond what has been considered in the Environmental Statement. Energy output over and above 65MW could give rise to environmental impacts that have not been assessed. ECC considers the energy output should be capped at 65MW as this is what has been assessed within the ES.

ECC in its deadline 04 (REP4-011) submission recognised the limited potential, and as put forward by the applicant, of the need to exceed this amount when the weather/temperature conditions mean that the 65MW cap could be exceeded. ECC responded to this on the understanding that any exceedance of the cap would be for limited spikes in energy production, and such would be far from the norm. ECC notes the ExA's suggestion within its proposed changes to the DCO document to 65MW in their written set of questions at Deadline 02, which the Council wholly supports.

However, ECC also realises then as suggested by the applicant, that an energy cap could, in some limited circumstances, lead to the 65MW cap being exceeded. Hence ECC proposed within its Deadline 04 submission at REP4-011 that an average cap be applied to reach a middle ground, which the applicant has not accepted.

The applicants have submitted at REP4-008 their response at DC1.3.1 Part 1 to the ExA's suggestion that electricity generated shall be limited to 65MW that for Work 1 *"an extension to the existing generating station comprising mechanical modifications to the actuated steam turbine inlet control valves to allow steam capacity to be increased, with the effect that the extended generating station will have a gross installed generating capacity of up to 65MW at an ambient air temperature of 15degC;"* and for Work 2 – *an extension to the existing generating station comprising the installation and commissioning of unrestricted actuated steam turbine inlet control valves with a capacity of up to 65MW at an ambient air temperature of 15degC, with the effect that the extended generating station will have a gross installed generating capacity of up to 65MW at an ambient air temperature of 15degC".*

ECC are of the view that this is sufficiently vague to make this not precise, reasonable nor practically enforceable. In addition, and when looking at average monthly temperatures within Essex, this shows that for the months of May through up to and including October average daily temperatures are at or exceed 15 degrees Celsius. What this means therefore is that potentially for 6 months of the year energy could be produced above the 65MW cap, the impacts of the same having not been submitted, evidenced nor proven by this submission. ECC is of the view that such an exceedance could, given the temperature stated, result in the production of electricity above 65MW for half the plant's operating time per annum. This does not amount to temporary spikes in electricity production, more like an exceedance would apply for the majority of its operating life.

ECC therefore retains the view as at the ExA's suggestion that a 65MW cap be applied to the development as here applied for and for the reasons as have been previously set out. A draft of DCO is included which continues to retain the upper limit of 65MW.

### Liaison Group

As referred to in ECCs response to deadline 4, ECC are of the view that a deed of variation (DoV) is required to the existing S106 to ensure all obligations remain associated with the DCO. If the ExA were not minded to require a DOV then an additional clause has been added to the Draft DCO with respect to the Local Liaison Group.

## **2. Comments on any other information and submissions received at Deadline 4**

The applicant has submitted a further Technical Memorandum, dated 9<sup>th</sup> July 2024 at the Deadline 04 submission reference REP4- 009, and ECC provide further comments to each aspect in turn:

### Cumulative Assessment

The Technical Memorandum dated 9<sup>th</sup> July (reference REP4- 009) presents predicted night-time noise levels at nearby receptors resulting from the Dry Silo Mortar (DSM) and bagging plant operating at their consented noise limits. These are then combined with the predicted noise levels from the IWWMF and compared to the currently consented noise limits.

Notwithstanding previous comments provided with regard to the suitability of the noise level limits, ECC would advise the following:

- The assessment approach taken is considered a worst case with regard to cumulative impact. That is, it presents the DSM and bagging plant both operating together at their maximum consented noise level at the nearest sample receptors and then adds the predicted noise level from the IWWMF. In reality, it is unlikely that all three facilities would operate together. Furthermore, it is possible that the DSM and bagging plant would not operate to their consented noise level limits.
- To derive the predicted noise levels at all receptor locations from the DSM, the Technical Memorandum first applies the maximum consented noise level at the closest receptor (Heron's Farm). Then, through extrapolation, using noise level predictions contained within the DSM consent, noise levels are predicted at the remaining receptor locations, i.e. applying +3 dB to those previous predicted noise levels provided in Table 1 of the SLR Technical Memorandum 'RE: Rivenhall IWWMF DCO – Cumulative Noise Assessment with Dry Silo Mortar Plant' dated 6/6/24. In principle, ECC are content with this approach.

- The Technical Memorandum advises that it has not been possible to obtain the noise assessment from the consent for the bagging plant. Therefore, a similar approach to that applied to the DSM has been undertaken, whereby the maximum consented noise level at the closest receptor (Heron's Farm) has been assumed and the same extrapolation has been applied, as for the DSM, to the remaining receptors. Although, strictly, the extrapolation for each facility (DSM and bagging plant) is unlikely to be identical, for the purpose of this exercise ECC are content with this approach.
- Table 2 of the Technical Memorandum presents combined noise level of the DSM, bagging plant and IWMMF. These are then compared to the currently consented noise limits (note ECC's previous comments with regard to the suitability of the noise level limits). The outcome is as follows:
  - The total noise level exceeds the consented noise level limit at Heron's Farm (by 5 dB), The Lodge (by 1 dB), Goslings Farm (by 3 dB), Goslings Cottage (by 3 dB), and Goslings Barn (by 2 dB).
  - Of these receptors, with the exception of The Lodge, it is noted that the contribution from the IWMMF is nominal, (i.e. less than 0.5 dB). In addition, for these receptors the noise level predictions specifically from the IWMMF are over 10 dB below the consented noise level limits.
  - For The Lodge, the cumulative predicted noise level is marginally above the consented noise level limit of 40 dB (40.5 dB rounded to 41 dB). However, as noted above, the predicted noise levels emanating from the DSM and bagging plant are considered worst case. Should the noise emission be slightly lower (e.g. 2 dB or more) at either of these facilities, this would result in the consented noise level limit being achieved.

In considering the above, ECC are content that the additional submitted assessment demonstrates that the contribution of noise emanating from the IWMMF, when considering the cumulative effect with the DSM and bagging plant, would not result in an exceedance of consented noise level limits.

### Noise Modelling Review

Within the document 'Review of Noise Modelling Files' dated 18<sup>th</sup> June 2024, (reference REP3-015) ECC stated '*A full review of the noise models has not been possible at this time due to the supporting data (which may include manufacturer datasheets, noise measurement data, internal room noise level calculations, etc.) not being made available. As such, it is not possible for Jacobs to confirm the veracity of the predicted noise levels presented in the ES chapter.*'

In response, the Technical Memorandum dated 9<sup>th</sup> July 2024 (reference REP4- 009) identifies that these details are not available to SLR, with the information being provided by the EPC Contractor, HZI:

*'With regards to the supporting data, the modelling and subsequent assessment was based on the information available, and this level of detailed information (i.e.*

*calculation methods for internal noise levels and noise breakout etc) was not provided to SLR.*

*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.*

*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.*

*These noise levels were then used within the noise model.*

*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.'*

Essentially, the above advises that HZI have 'reversed engineered' noise levels to theoretically demonstrate compliance with the consented noise level limits at the receptor locations. No further details are provided as to the mechanism for obtaining the source data in line with that ECC requested (see above).

It is noted that HZI possess experience in the development of EfW centres, and therefore, they would be expected to apply this to the generation of noise source information. In addition, the confirmation that the facility would not be able to operate until it can be demonstrated that consented noise limits can be achieved provides some reassurance (withstanding ECC's comments relating to the suitability of the noise level limits). Nevertheless, with the lack of evidence provided relating to the origin and application of the source data, ECC can only take the noise level predictions at face value at this time.

The Technical Memorandum (reference REP4- 009) provides responses to other technical noise modelling points that ECC raised. In principle, ECC are satisfied with these responses, with SLR either providing clarity or indicating that they have undertaken updates to the noise model which they advise results in 'no material change' to the predictions. However, given the criticality of the source data to any noise predictions, we are still not able to verify the noise model outputs.

3. **ECC Draft Development Consent Order (Ddco) (attached)**

ECC has provided a tracked version of the draft Development Consent Order (DCO) with our Deadline 5 submission, setting out what it considers are appropriate conditions.

4. **Final SoCG and Statement of Commonality.**

A copy of the final SoCG and Statement of Commonality (Version 3.5) has been the subject of discussion between the parties at ExA. A copy of the same, which has been countersigned by ECC, is to be submitted by the applicants at Deadline 05.

I hope the above is of assistance, however, please do not hesitate to contact me if you have any questions or queries on the above.

Yours sincerely,

[Redacted Signature]

**Mark Woodger, Principal Planner  
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