

**Our ref:** Q220592  
**Your ref:** EN010138  
**Date:** 25<sup>th</sup> October 2024



The Planning Inspectorate  
National Infrastructure Applications Team  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

For the attention of Sian Evans

Dear Sian

## **Application for a Development Consent Order by Indaver Rivenhall Ltd for the Rivenhall Integrated Waste Management Facility (PINS Ref EN01038) – Response to Request for Information**

Thank you for providing the letter issued by the Secretary of State ('SoS') for Energy Security and Net Zero asking for information from Indaver Rivenhall Ltd ('the Applicant'), dated 16<sup>th</sup> October 2024. This letter has been prepared on behalf of the Applicant and provides a response to the points raised therein.

### **Energy Capacity**

The SoS has requested a response from the Applicant to the representation submitted by Essex County Council ('ECC') at Deadline 5 titled '**Comments on responses to ExA's proposed Schedule of Changes to the dDCO and comments on any other information and submissions received at D4**' [[REP5-007](#)].

It is correct that no written response has been provided by the Applicant to ECC's Deadline 5 submission given Deadline 5 was the last opportunity to submit information before the examination closed. The issue of the energy cap has however been addressed throughout the examination. The Applicant has set out its position in this regard at the points signposted in its Deadline 4 Covering Letter [[REP4-003](#)], replicated here:

- The Applicant's response to Q1.5.2 of ExQ1, as set out in the **Applicant's Responses to the Examining Authority's Written Questions (ExQ1)** [[REP1-011](#)];
- Table 8 of the **Applicant's Comments on Deadline 1 Submissions** [[REP2-004](#)];
- The Applicant's response to Agenda item 7i of the Issue Specific Hearing held on 04 June 2024, a summary of which is provided in the **Written summary of Applicant's oral submissions made at the Issue Specific Hearing** [[REP3-012](#)]; and
- Technical Note on Energy Generation Cap and Alternatives – Appendix 3 of the **Deadline 3 - Applicant Cover Letter and Submissions** [[REP3-001](#)].



In addition to the above, a direct response is provided to ECC's comments made in their Deadline 5 submission below.

### *The 65MW Cap*

ECC's comments on this issue can be summarised as being opposed to the wording of the Draft Development Consent Order ('dDCO') put forward by the Applicant because *"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."*

The Proposed Development does not propose any changes to the inputs associated with the energy from waste process. The only output associated with the energy from waste process that is subject to change as a result of the Proposed Development is the proposed increase in electrical energy generation (providing a negligible beneficial effect). All other operational inputs and outputs are controlled in one way or another by existing consents and permits and would not change as a result of the Proposed Development. For instance:

- the **external appearance of the IWMF** and therefore the size of the turbine is controlled by Condition 2 of the IWMF TCPA Permission;<sup>1</sup>
- the number of permitted **vehicle trips** is controlled by Condition 4 of the Rivenhall IWMF TCPA Permission;
- **the amount of waste** that can be processed and incinerated at the Site is controlled by Condition 29 of the Rivenhall IWMF TCPA Permission and also by the Environmental Permit issued by the Environment Agency (Permit Number EPR/FP3335YU; Variation Permit number EPR/FP3335YU/V002; and Transfer Permit number EPR/CP3906LP);
- permissible **noise** levels are controlled by Condition 38 of the IWMF TCPA Permission; and
- permissible **emissions** from the stack are controlled by the same Environmental Permit referenced above.

The Proposed Development does not include any changes to any of those controls set out above. If the Applicant did want to amend any of those controls, they would have to apply to ECC and/or the Environment Agency ('EA') to do so. The absence of an energy cap in the DCO would not in any way prejudice the decision making of either party in such a scenario and the environmental effects of such an amendment would be subject to environmental assessment. All this is agreed with ECC within the

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<sup>1</sup> 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 February 2016, for the development of an Integrated Waste Management Facility at the former Rivenhall Airfield.



Statement of Common Ground with the Host Authorities [\[REP5-001\]](#), specifically items PD-09 and PD-10.

There is no clear planning rationale for including an energy cap within the DCO; it would unnecessarily duplicate controls on environmental effects contained in the IWMF TCPA Permission and associated environmental permit. The only function of an energy cap within the DCO would be to limit a beneficial effect of the Proposed Development. This would be a perverse planning outcome, given the importance Government places on increasing the UK's supply of sustainable electrical energy.

The Applicant has highlighted to ECC the possibility that the IWMF could intermittently generate more than 65MW, as acknowledged by ECC in their Deadline 5 submission. If a 65MW energy cap were written into the Development Consent Order this might require the Applicant to install a mechanical cap on the valve to limit the amount of steam that can reach the turbine to avoid any potential breach of the Order. Given the acute need for electricity derived from non-fossil fuel sources and the lack of any environmental effects associated with the generation of such electricity in these circumstances, the rationale for needing a mechanical cap is wholly unclear.

In summary, given the highly limited scope of the Proposed Development, there is considered to be no sound reason for including a cap on energy generation into the Development Consent Order.

#### *Maximum energy output*

The design point for the turbine is 62.35 MW. This is at 100% design capacity at an ambient temperature of 15 degC with no heat export.

The projected maximum energy output of the IWMF could be 69.379MW in the following scenario:

- the calorific value of the fuel is unusually high;
- the plant is run at 110% design capacity;
- the ambient temperature is -10 degrees Celsius;
- no heat is put towards plume visibility abatement.

The IWMF TCPA Permission currently includes condition 17 which requires there to be no visible plume from the stack. A significant amount of heat is required to achieve this. Therefore, under the terms of the current IWMF TCPA Permission, the above scenario is very rare.

Separately and in parallel to this application for development consent, the Applicant is in the process of applying for a section 73 permission to allow amendments to conditions attached to the IWMF TCPA Permission. The project has so far received a Scoping Opinion from ECC under reference ESS/51/24/BTE/SPO.



One of these proposed amendments is to modify condition 17 to allow a visible plume so that the plant can be more energy efficient in line with Government policy. The intention is for the heat that would go towards plume abatement to instead provide heat for large-scale greenhouses that are being proposed adjacent to the Rivenhall IWMF by a third party developer.

If those proposed amendments were allowed, it is still projected that the IWMF would produce on average less than 65MW because heat energy would be transported to the greenhouses rather than being converted to electrical energy. That notwithstanding, such an amendment would in theory allow the IWMF to more consistently generate more than 65MW. The environmental impacts of these proposals will be fully assessed as part of that separate application.

This underscores why an energy cap is not needed in the DCO: it demonstrates that to achieve a consistently higher electrical energy output, changes would be needed to the planning permission, the environmental effect(s) of which would be assessed via the relevant application to the relevant authority. In this instance, changes the plume abatement condition are proposed, and a methodology for assessing the environmental effects of that change has been agreed with ECC in connection with the relevant application.

### Definition of the Consented Scheme

The DCO application was made on 10<sup>th</sup> November 2023. At that time, the operative planning permission was permission reference ESS/34/15/BTE. This is the permission referenced in the Environmental Statement, Volume 1, Chapter 3: Existing Site Conditions and Consented Scheme [APP-027] and in the first version of the Planning Statement [APP-047].

On 26<sup>th</sup> January 2024, ECC granted a section 73 permission under reference ESS/39/23/BTE. The effect of this permission was to remove condition 66 from the decision notice set out within permission reference ESS/34/15/BTE. Condition 66 previously read:

*“In the event that the IWMF is not brought into beneficial use within 5 years of commencement of the development (as notified under condition 1) the operator shall within 6 months of the end of the 5 year period submit a plan of action for an alternative use or a scheme of rehabilitation for the site for approval by the Waste Planning Authority. The plan of action for an alternative use or scheme of rehabilitation shall be implemented within 6 months of approval by the Waste Planning Authority.”*

The removal of this condition from the permission has no effect on the operability of the Consented Scheme. ESS/39/23/BTE became the operative permission on 15<sup>th</sup> February 2024 (as confirmed by ESS/39/23/BTE/01/01).

At Deadline 1 (submitted on 7<sup>th</sup> May 2024), an updated version of the Planning Statement Version 2 was submitted in clean [REP1-006] and tracked changed [REP1-007] versions. The changes made to the Planning Statement were primarily to recognise the adoption of the updated National Policy



Statements, which became material considerations, but since the document was being updated, the definition of the Consented Scheme was also updated.

No update was made to the ES because it was not considered necessary to do so, given that ESS/39/23/BTE becoming the operative permission had no material effect on the Consented Scheme that was assessed in the ES. Therefore, the Consented Scheme assessed by both the ES and the Planning Statement is the same.

### **Work Options**

There have been delays to the construction process such that it is still necessary for the Applicant to seek consent for both Work Options.

### **Conclusion**

I trust the above sets out all the information the SoS has requested. If anything further is needed please do not hesitate to let me know.

Yours sincerely

Gregory Blaxland  
**Associate**