

**DR/07/15**

committee                      DEVELOPMENT & REGULATION

date                              27 February 2015

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**MINERALS AND WASTE DEVELOPMENT**

Proposal: **Removal of condition 28 (restricting geographical source of Solid Recovered Fuel) and condition 30 (restricting geographical source of waste paper and card) attached to planning permission ESS/41/14/BTE to allow importation of Solid Recovered Fuel and waste paper and card without constraint as to the geographical source of the material. Planning permission ESS/41/14/BTE being for “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 (CHP) 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.**

Location: **Rivenhall Airfield, Coggeshall Road (A120), Braintree**

Ref: **ESS/55/14/BTE**

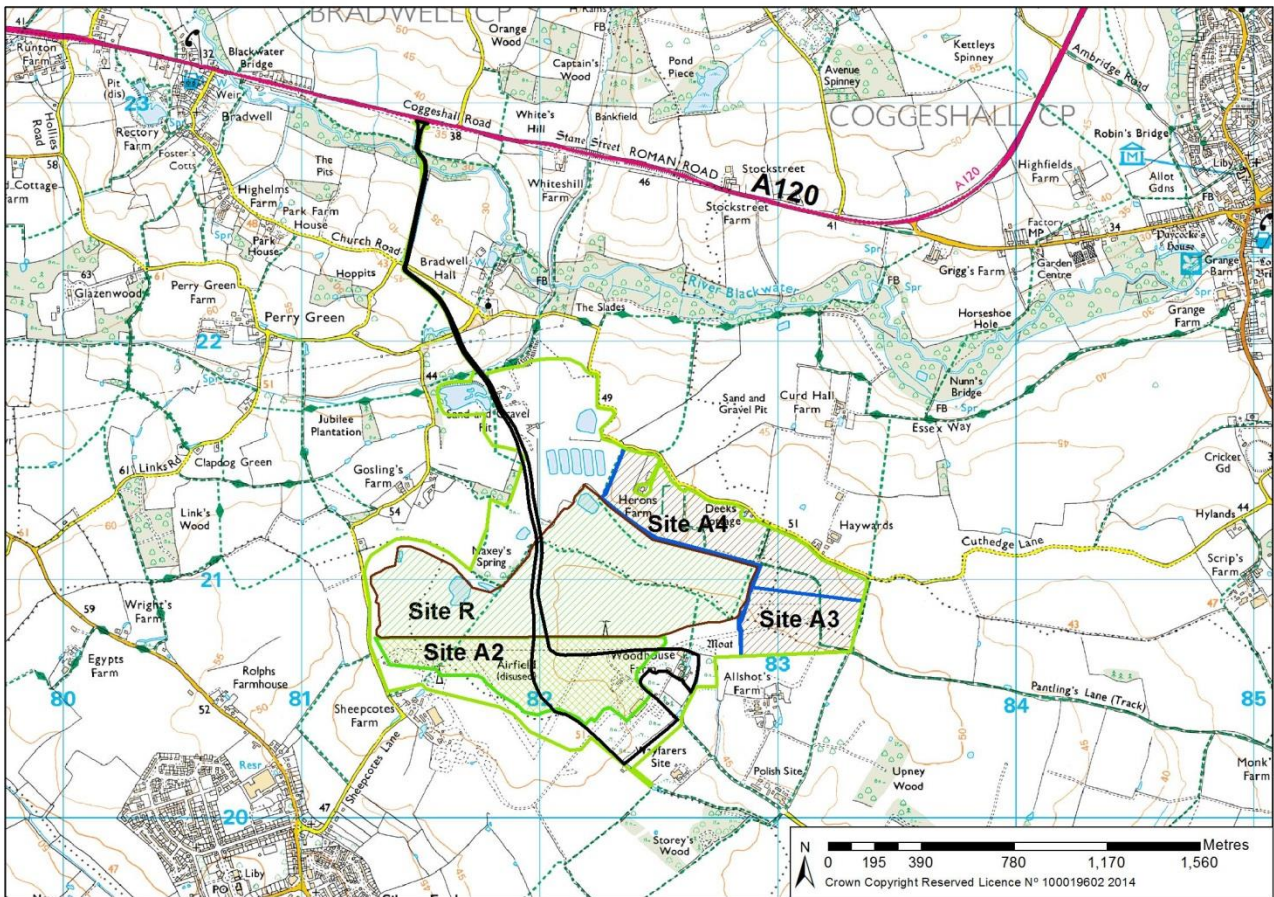
Applicant: **Gent Fairhead & Co Ltd**

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Report by Director of Operations: Environment and Economy

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The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)



## 1. BACKGROUND

The original planning application for the Rivenhall Integrated Waste Management Facility (IWMF) was submitted in August 2008 and was accompanied by an Environmental Statement. The application was “called-in” for determination by the Secretary of State (SoS). The Committee nonetheless considered the application in April 2009 and resolved that, that had the decision been left to the Waste Planning Authority, the development would have been approved subject to conditions and a legal agreement.

The Call-In Public Inquiry was held in Sept/Oct 2009 and the Secretary of State issued the Inspectors report and decision on 2 March 2010, granting planning permission subject to 63 conditions and a legal agreement.

To date the planning permission has not been implemented.

Members will recall in October 2014 they considered a planning application to amend the original planning permission to allow an extension of time to the period of implementation for the planning permission. Planning permission was granted such that the planning is required to be implemented by 2 March 2016 and the planning permission now controlling the development is referenced ESS/41/14/BTE.

A summary of the original application details for the IWMF are set out in Appendix A.

The current application seeks to delete two conditions of the planning permission for

the IWMF.

## **2. SITE**

The site is located east of Braintree, approximately 3km south east of Bradwell village, approximately 1km to the north east of Silver End and approximately 3km south west of Coggeshall. The application site totals 25.3 hectares and includes the access road from Coggeshall Road (A120 trunk road).

The area for development of the IWMF lies on the southern part of the former Rivenhall airfield, now largely removed following mineral extraction as part of Bradwell Quarry. The site is located approximately 1.7km south of Coggeshall Road and includes the Grade II Listed Woodhouse Farm and its buildings and includes the 6ha area identified as a “preferred location for waste management” (WM1) in the Waste Local Plan. The site also includes TPO woodland

The site for the IWMF overlaps with Bradwell Quarry where sand and gravel extraction with low level restoration to agriculture/biodiversity/water and woodland is anticipated to be completed by 2018, however further preferred/reserved sites are allocated in the MLP which would extend the life of the quarry if granted. The location plan above shows the extent of previous and current mineral extraction areas, Site R permitted in 2001, site A2 permitted in 2011 which included extraction in part of the site for the IWMF and site A3 and A4 which was resolved to be granted in September 2014 and is awaiting completion of a legal agreement.

The site is set within a predominantly rural character area, consisting of arable crops in large fields, often without boundaries resulting in an open landscape. Located on the old airfield to the west of the site is a 48m (above natural ground level) radar mast positioned next to Hangar No. 1, approximately 370m west of the site. The landform around the site forms a flat plateau at about 50m AOD. There are limited elevated viewpoints from which to oversee the site, but there are some views from higher ground to the north east.

The nearest residential properties not including Woodhouse Farm (not occupied), include The Lodge and Allshots Farm located to the east of the site at 400m and 450m respectively from the proposed waste management facility. To the north east on Cuthedge Lane lies Haywards 950m from the proposed waste management facility, Deeks Cottage at 860m and Herron’s Farm at 720m from the proposed waste management facility and 460m from the site access road. To the west of the site on Sheepcotes Lane lies Sheepcotes Farm 470m from the site boundary, Gosling’s Cottage at 900m from the site boundary, Gosling’s Farm 900m north west of the site boundary, Goslings Barn 880m from the site boundary and Greenpastures 470m north west of the site boundary. Properties to the southwest within Silver End village lie over 1km from the site boundary. Parkgate Farm lies south of the site approximately 1km from the site boundary. 200m to the east of the haul road lies Bradwell Hall.

The permitted access route utilises the existing junction with the A120 and the access road which currently provides access to Bradwell quarry. The access route crosses the River Blackwater and crosses Church Road and Ash Lane (a Protected Lane as defined in Braintree District Local Plan 2005 - BDLP). The access road is two way from the A120 to Church Road, then single lane with passing bays between Church

Road and Ash Lane and then two south of Ash Lane. The crossing points on Church Road and Ash Lane are both single width only.

Apart from the access road the land the subject application site has no designations within the BDLP.

There are three County Wildlife Sites within 3 km of the site at Maxeys Spring, Storeys Wood and Blackwater Plantation.

There are a seven Grade II Listed properties in the vicinity of the site, including, Allshots Farm (400m away) and Sheepcotes Farm (470m away) located to the east and west of the airfield respectively. To the south west Bower Hall (1.2km away) and to the south east Porter's Farm (1.3km away) and to the north west Goslings Farm (900m away), to the north east Curd Hall (1.3km away) and finally to the east of the haul road Bradwell Hall (200m away from haul road).

Three footpaths (FP's 19, 57, 58), including the Essex Way, are crossed by the existing quarry access road and the extended access route would cross the FP35. There is also a public footpath No. 8 routed through the eastern part of Woodhouse Farm.

### **3. PROPOSAL**

The application seeks to delete two planning conditions, namely conditions 28 and condition 30. These conditions restrict the geographical source of SRF (Solid Recovered Fuel) and the geographical source of paper and card to be imported to the facility. The full wording of the conditions is set out below.

#### **Condition 28**

*(i) SRF [solid recovered fuel] shall be sourced internally from the IWMP or within the administrative boundaries of Essex and Southend-on-Sea.*

*(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 IWMP, 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.*

*(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.*

#### **Condition 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.*

*(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.*

*(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.*

Condition 28 relates to the geographical source of SRF that can be utilised at the facility. The IWMF would generate SRF being the residue from the Mechanical Biological Treatment and also waste from the De-Ink Paper Pulp Facility which both form part of the permitted IWMF. However, the capacity of the Combined Heat and Power (CHP) plant would not be met by these sources alone and thus SRF was also permitted to be imported to the site.

Condition 28 has the effect of requiring SRF to be sourced from within Essex unless it has been demonstrated that such SRF is not available within Essex in which case for a period of 3 years SRF may be sourced outside Essex, but within the East of England Region. Thereafter every 3 years it would be necessary for the operator to re-demonstrate that SRF was still unavailable within Essex to allow continued import from outside Essex, but within the East of England. The East of England does not formally exist anymore since the abolition of the regional tier of government, but consisted of Essex and Southend-on-Sea Cambridgeshire, Suffolk, Norfolk, Bedfordshire, Hertfordshire, Thurrock and Peterborough. In addition the condition required a scheme to be submitted to demonstrate how imports would be constrained to the prescribed geographical source.

The application seeks to delete this condition which would allow SRF to be imported to the facility without constraint as to its source.

Condition 30 relates to the geographical source of paper and card to imported for reprocessing in the de-ink paper pulp facility. A limited amount of paper and card would be recovered by the Materials Recycling Facility permitted as part of the IWMF, but the majority of waste paper and card would need to be imported. Condition 30 has the effect of requiring 50% of the imported paper and card to be sourced from the East of England Region unless it has been demonstrated that such paper and card is not available within the East Of England Region in which case for a period of 5 years paper and card may be sourced outside the East Of England Region. In addition the condition required a scheme to be submitted to demonstrate how imports would be constrained to the prescribed geographical source.

The application seeks to delete this condition which would allow paper and card to be imported to the facility without constraint as to its source.

Application ref ESS/37/08/BTE was accompanied by an Environmental Statement. This application ref ESS/55/14/BTE has been screened for EIA and a formal opinion has been issued to state that an EIA was not required.

No other changes are proposed to the currently permitted development.

#### 4. POLICIES

The following policies of the Essex and Southend Waste Local Plan (WLP) adopted 2001, Mineral Local Plan (MLP) adopted 2014, Review 2005 (BDLP) provide the development framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>
Waste strategy	W3A
Receipt of Essex wastes only	W3C

There are no particular policies of relevance within the Braintree District Council Local Development Framework Core Strategy 2011 or and Braintree District Local Plan.

The original application was determined against the Waste Local Plan 2001, Braintree District Local Plan 2005, the Minerals Local Plan 1996 and PSS10 as published in 1999.

The National Planning Policy Framework (Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management. All decisions must comply with the NPPF and NPPW, while the NWMPE is a material consideration in planning decisions.

The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). It is considered this is applicable to the WLP. A draft appraisal of the consistency of WLP policies with respect to the NPPF and NPPW is

set out in Appendix B

With regard to updates/replacements or additions to the above, the Framework (Annex 1, paragraph 216) states from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Braintree District Council originally intended to create a Local Development Framework which it was envisaged would supersede the Local Plan Review in its entirety. In this regard, the BCS was adopted on 19 September 2011 and it was anticipated that the remaining BLP policies would be replaced by those to be contained in a Site Allocations and Development Management Plan. During a meeting on 30 June 2014 it was however resolved not to proceed with the Draft Site Allocation and Development Management Plan. Work has now instead commenced on a new Local Plan, which will set out the Council's strategy for future development and growth up to 2033. The new Local Plan will ultimately replace the BLP and BCS however at the current time it is not considered at a sufficient stage to have significant weight in the determination of this application.

The Essex and Southend Replacement Waste Development Document Preferred Approach was published in 2011. However there have been significant changes to national policy statements, guidance and legislation, as well as changes in local circumstances (including the need to re-assess the existing, permitted and operational capacity of waste facilities in Essex to meet future objective needs) and thus a further Preferred Approach Document is planned to be published later this year. Due to legislative changes the document will be called the Essex and Southend Replacement Waste Local Plan. As the Replacement Waste Local Plan is at an early stage of preparation and has not been submitted to the Secretary of State its policies are not considered to have any weight.

## **5. CONSULTATIONS**

**BRAINTREE DISTRICT COUNCIL – Comments as follows**

- The recent appeal decisions highlighted by the applicant appear to suggest that the market is given greater prominence in determining where waste/materials are reprocessed, even if this means that it could be travelling significant distances. Although this would have been contrary to a waste strategy based on regional self-sufficiency, no such strategy now applies and it could, therefore, be difficult to resist the proposals on such grounds. Moreover, as there is not a proposed change to other restrictions (e.g. controls on numbers of vehicle movements/per day) there does not appear to be any amenity or other planning grounds to resist the proposed lifting of restrictions on the source of waste materials. This does appear to create the risk either that



there is an oversupply of capacity or that individual reprocessing facilities effect a monopoly.

- There could even be the risk that the facility would encourage the importation of SRF, waste paper and card from abroad, given the site's proximity to East Anglian Ports.

ENVIRONMENT AGENCY: No comments to make

HIGHWAYS AGENCY: No objection

DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES (National Planning Casework Unit):

CPRE: Object on the following grounds

- The applicants have made no progress with building the plant recently a year's extension has been granted. There is therefore evidence of serious procrastination on the part of the applicants. Meanwhile, major waste sites have been built in Basildon and Halstead.
- Information revealed in this application leads us to conclude that the applicants are seeking to ensure greater financial return for the plant. They are applying for changes to the existing permission. This makes it clear that they are concerned about the future commercial viability of the operation.
- The original proposals were based on the ECC 'Proximity Principle' as part of their Waste Strategy. The waste plant was to serve the needs of Essex; there would be composting, recycling, paper pulping and the added process of incineration of unrecyclable waste. The operations would be linked in to the existing waste collection process in Essex.
- At the time of the Inquiry we warned that the addition of an incinerator would have the effect of generating waste, of removing it from the recycling process. We foresaw that it would be far more difficult to control what was to be burnt with frightening consequences for toxic emissions. Now the applicants state their intention to focus in future on commercial and industrial waste of all kinds from anywhere. This application seems to vindicate our earlier concerns.
- The removal of conditions 28 and 30 restricting the area from which waste can be sourced would have major adverse environmental effects. It would be likely to increase the number of vehicle movements and therefore increase emissions. It would add greatly to the pressure on the local road network especially on the A120 which is already congested. The Highways Agency has confirmed that there are no funds to dual the A120 between Braintree and Marks Tey until after 2021 and nothing after that length of time can be certain. Our roads simply cannot take any more pressure.
- The removal of these conditions would, in our opinion, mean that control over the treatment of waste at this site would be much more difficult.
- Essex County Council must continue to determine the overall waste strategy and maintain control over how waste is sourced and what type of waste is incinerated. The council should stick to their principle of 'providing treatment centres for Essex waste and not give carte blanche to a commercial business enterprise.

ESSEX RAMBLERS ASSOCIATION (ERA): No comments received



BRITISH HORSE SOCIETY: No comments received

HIGHWAY AUTHORITY: No objection

HIGHWAY AUTHORITY (Public Rights of Way): No comments received

WASTE DISPOSAL AUTHORITY: No comments to make.

THE COMMUNITY GROUP (the group was formed in response to original IWMMF application and consists of the heritage societies of Coggeshall, Kelvedon and Feering and Witham, CPREssex, The Ramblers Association and the "Stop the Incinerator" Campaign Group): Objection on the following grounds: The facility was originally proposed as a facility to handle Essex's waste and reduce the need for landfill. The conditions removal would mean the facility would likely become a national/international facility and the impacts such as road traffic access and environmental impact of such go beyond what was considered at the Public Inquiry and thus this application should not be determined until the whole project is reviewed from scratch.

BRADWELL PARISH COUNCIL: Object on the following grounds

- The conditions were not appealed following the decision in 2010.
- Proposal takes the facility away from its original intention to provide "recycling for Essex"
- If SRF and paper and card are to be sourced from anywhere then the plant need not be in Essex.
- Sourcing from greater distances could result in more HGVs going off-route passing through villages such as Bradwell, due to use of sat navs.
- A120 while described in the application as "Strategic continental route", while a trunk road it is a single carriageway with high peak volumes and frequent delays.
- If permitted the large facility could be treating waste mostly sourced outside Essex, contrary to the proximity principle which is ironic in a district which has high recycling rates.

KELVEDON PARISH COUNCIL: Object for the following reasons

- Conditions 28 & 30 were initially agreed/imposed to ensure that this plant (if ever commissioned) dealt with local waste. This change if allowed would allow waste to be imported into the UK or brought from the far reaches of the UK, to this site.
- This application smacks of a company desperately trying to justify the existence of a plant which is not needed in Essex as the amount of waste to process had drastically reduced since the original application was made.
- Object to the continual chipping away at previously agreed conditions, which only benefits the applicant and not the surrounding communities.

SILVER END PARISH COUNCIL: Objection on the following grounds

- At the Inquiry the Inspector was very careful with his wording of the conditions and the applicant accepted them at the time. No appeal was lodged and it is only now that they are being challenged.
- Without the plant being operative how can it be known whether or not

- conditions 28 or 30 need to be removed as they have not yet been tested?
- The increased amount of waste that could be expected on site will have an even greater detrimental effect on the surrounding villages and countryside. This will include larger lorries being used to bring larger quantities from farther afield, along country roads that were not designed for the purpose. In turn emissions will increase from the lorries themselves but even more importantly from the site itself as it disposes of more waste.
  - There appears to be more reliance placed on the incineration of waste and if new types of waste are to be burnt then consideration would surely need to be given to the chimney height, its emissions and the impact on the countryside around it.
  - Particularly relating to the proposed removal of condition 30. Mention is made to the fact that a region's name has changed but this does not mean that the area has simply disappeared. At the time of the Inquiry the region 'East of England' did exist.
  - The applicants continually attempt to change the goalposts by applying to make the site bigger, to burn more and to be allowed to source waste from further afield and has carried on as such for years. This latest application takes us even further away from the original proposal of a 'recycling plant for Essex.'

RIVENHALL PARISH COUNCIL (adjacent): Object on the following grounds:

- The 2 conditions requested to be deleted were agreed by the applicants and all other parties at the Public Inquiry and were not appealed by the applicant subsequent to the decision being issued.
- Consider this is a fundamental change for commercial reasons, because as permitted the plant is unviable
- The conditions were imposed to meet the strategic needs of Essex, if it is not to deal with Essex waste why locate in Essex.
- SRF and paper and card make up a large proportion of the 800,000+ tpa to be handled at the site, removal of the conditions would potentially see the majority of waste coming from outside Essex or the East of England, contrary to the proximity principle.
- Waste could be imported long distances even from abroad
- HGVs from further afield will not necessarily be familiar with area with a greater chance of vehicles trying to access the site not from the A120 eg through Rivenhall
- A120 while described in the application as "Strategic continental route", while a trunk road it is a single carriageway with high peak volumes and frequent delays
- The application refers to the need for the Energy from Waste facility to burn residual waste, it is unclear how much processing of residual waste would occur prior to use in the EfW facility.
- There is a heavy emphasis within the application of EfW which appears to move waste management down the waste hierarchy, there is a little reference to key recycling elements Anaerobic Digestion and Materials Recycling Facility.
- The application documents also indicate a broader range of materials might be used in the EfW plant including chemical wastes, healthcare wastes and discarded equipment, which may have higher toxicity emissions.
- The certainty that the height of the chimney is adequate remains uncertain.
- The conditions to be deleted require "reasonable endeavours" to source waste

in Essex or the Region they cannot be tested until the plant is operational.

COGGESHALL PARISH COUNCIL (adjacent): No comments received.

FEERING PARISH COUNCIL (adjacent): Object. The removal of the conditions would mean that waste could be imported to and trucked from ports from anywhere in the UK/world. The economic case for this plant was based on taking waste from Essex only, which Councillors agreed if it is no longer a proposition, then the plant should not be constructed.

LOCAL MEMBER – BRAINTREE – Witham North: Comments as follows

- Requests the application be considered at Committee.
- Consideration of the catchment for the waste was a fundamental part of the Planning Inquiry held in 2009 and the subsequent conditions set out by the Inspector in his Report, which were accepted by the Secretary of State. These conditions were agreed by the applicant, were not appealed and 5 years have passed. The applicant now considers the conditions to be unenforceable; no such claim has been made before.
- The proposed changes in the conditions would have the potential to largely remove the geographical justification for the site in terms of dealing with Essex waste - the majority of waste could come from outside Essex and indeed outside the region. This would be contrary to the proximity principle, to the agreed basis on which planning permission was given and to the Adopted Waste Local Plan.
- If conditions 28 and 30 are deleted, what is there to stop the applicant applying to remove the condition that other waste (other than SRF and paper/card) to be imported to the site need not be sourced from Essex. The site would lose its link with its location and the applicants argument that it is on route to UK ports, applies to many locations.
- If waste is sourced across long distances there would be a consequential potential to unnecessarily increase CO2 emissions, contrary to Government & European Policy.
- The further distances that HGV travel to the site the higher risk of drivers not knowing the route and trying to access the site through local villages.
- The application refers to the A120 as a “strategic continental route” in reality it is a single carriageway road either side of the site access, along which there are homes and businesses and subject to high peak volumes and frequent crashes and delays.
- As the facility is now referred to be the applicant as a “Merchant facility for C & I waste, coupled with wider catchment, it is questionable whether the transport modelling supporting the original application is still valid.
- The wider catchment area would mean a lower ability to co-ordinate HGV capacity to ensure back loads and a great chance of a wider variety of vehicle sizes both tending to higher vehicle numbers.
- The application refers to the need for EfW facilities to burn residual waste and it is unclear how much sorting of waste prior to incineration would take place. Burning waste without recovery of recyclables is mass burn incineration which ECC has always opposed.
- The application argues that Refuse Derived Fuel (RDF) is a suitable material to be utilised in the CHP/EfW facility, the permission is for Solid Recovered Fuel not RDF.

- The application makes little reference to other elements of the IWMF, namely Anaerobic Digestion, Materials Recovery Facility and Mechanical Biological Treatment, the first two being higher on the waste hierarchy, the current application has a greater emphasis on burning waste, moving waste management down the waste hierarchy.
- The appeal decisions submitted to support the application are mainly for EfW plants rather than fully integrated facilities.
- The applicant has stated that SRF and RDF could be sourced from many places. The original application was a closed loop system utilising residuals from the MRF, MBT and paper and card reprocessing to feed the EfW/CHP, thus there is unlikely to be limited capacity to import from other sources, especially if SRF from Courtauld Road was brought to the facility.
- In seeking to delete conditions 28 and 30 could negate the integrated nature of the facility as the site could utilise waste from outside. Clauses of the conditions required it to be demonstrated that no waste was available within Essex/East of England region before going outside, no evidence has been provided that waste couldn't be sourced within Essex/East of England.
- The conditions were included for a number of reasons including to satisfy the proximity principle, deleting the conditions would undermine this
- Government guidance to planning authorities on implementing the EU Waste Framework Directive stresses "in meeting the requirement of the proximity principle, there is no expectation that each waste planning authority will deal solely with its own waste". This in no way suggests that waste could come from anywhere, as the applicant now seeks. It merely states that it is not expected that each authority would deal with all waste arising within its boundaries.
- Paragraph 3 of Article 16 of the rWFD requires that member states ensure that the network of facilities shall enable waste to be disposed of or waste referred to in paragraph 1 to be "recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health".
- Government guidance to planning authorities on implementing the Waste Framework Directive stresses that "there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively". The current application would clearly have the potential to harm the ability of Essex to meet its Duty to Cooperate with neighbouring authorities as the applicants are seeking to remove any geographical boundaries and related requirements as set out in the current conditions. Essex and its neighbouring authorities could have little or no ability to cooperate in respect of the 2 major input materials of SRF and paper/card as the facility could source them from anywhere.
- The application is in breach of Waste Local Plan policies W3A – unsustainable and a breach of the proximity principle. W3C – has strong potential not to meet Essex need and no specific cross boundary benefits have been demonstrated, W8A – has strong potential not meet Essex need, W10B
- NPPW In Section 2, the new Government policy states "ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities." As the plant moves ever

further from a local needs basis, the ability to be of benefit to the local community diminishes. There is little to commend the proposal in terms of the development of the local community or its consideration alongside other spatial planning concerns. The plant offers no district heat benefit.

- NPPW in Section 3 "drive waste management up the waste hierarchy, recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal;". The increased focus on waste burning moves down the hierarchy.
- NPPW in Section 5 "the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport". The plant would rely 100% on road traffic, using an over capacity single carriageway access road but also with an increasing risk of local roads being used as the catchment widens. Deleting conditions 28 and 30 is a move clearly designed to allow for longer distances of waste movement by road. This is unsustainable and wholly against the proximity principle.
- NPPW in section 7 "recognise that proposals for waste management facilities such as incinerators that cut across up-to- date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy". The proposal to refocus on waste burning clearly has the potential to move waste down the hierarchy. The aspirations of the local community in wanting to see ever higher levels of recycling are negated by the move towards a focus on importing C&I waste from an ever wider catchment, reducing the Essex needs basis.
- The application documentation would indicate a broader range of waste might be disposed of within the EfW/CHP facility, which raises concerns as to the toxicities in the emissions from the facility and the appropriateness of the a35M stack height.
- The current application is a commercial case not a planning case.
- Other facilities have been built and commissioned since the Rivenhall consent including Courtauld Road MBT and ECC Waste Management are seeking additional AD capacity in the County. An AD facility exists at Halstead and an EfW facility is in the commissioning phase in Suffolk. In addition recycling rates have risen.
- The on-going uncertainty as to when and what the facility will be is wholly contrary to the expectation in the NPPF that developers, LPAs and the community work together to deliver sustainable development.

LOCAL MEMBER – BRAINTREE – Braintree Eastern: Any comments will be reported verbally.

## **6. REPRESENTATIONS**

2 properties were directly notified of the application. 18 letters of representation have been received. The details of the comments are set out in Appendix C. The main points are summarised below:

- The proposed changes are significant and the whole development should be

reconsidered

- The site has a long history of waste proposals over 22 years and there appears to be planning “creep”
- The original application was proposed on the basis of providing a waste facility for waste largely arising in Essex, removal of the conditions would allow waste from anywhere to be imported.
- Importation from outside Essex and the region would be contrary to the proximity principle, set out in both European and National legislation/guidance.
- If the facility cannot operate without importing waste from outside and Essex then the facility should not be developed.
- The application is justified on commercial grounds not planning grounds. The plant has not been built despite having planning permission for 5 years.
- The conditions to be deleted were proposed and accepted by all at the Inquiry and the applicant did not appeal these conditions after the inquiry and have not been queried until now.
- The removal of the conditions would mean the plant loses much of its “Essex needs basis”, reducing its role in meeting the Essex waste treatment capacity requirements as set out in plans and strategies.
- The conditions require the operator to use there “reasonable endeavours” to source waste from Essex & the region, this doesn’t seem to onerous. Until the plant is operational these conditions cannot be tested.
- The application strongly expresses moving to a market based system of contracts which would undermine the requirement for Local Authorities “Duty to Cooperate”
- The application emphasis the EfW element of the proposals which is pushing waste management down the Hierarchy and does not refer to the recycling elements of the proposals AD and MRF
- Increase in geographical catchment is likely to lead to an increase in the plants capacity.
- Concerns regarding potential changes in the nature of the waste, including medical waste and animal waste giving rise to different emissions.
- Braintree District has a high recycling rate in Essex, the facility is likely to discourage recycling.
- Removing geographical restrictions means drivers not familiar with area may try to access the facility via village roads.
- A120 may be designated a Trans-European Network, but it is inadequate to

cope with additional traffic and if blocked HGV may use country lanes.

- Longer vehicle distances with increase waste miles and reduce efficiency of the national network
- Long traveling miles will increase vehicle emissions
- An incinerator should not be located local residents and in a valued area for wildlife.
- Emphasis on EfW discourages recycling
- As a merchant facility that would be much less opportunity to ensure maximum back hauling of materials and pressure to increase maximum vehicle numbers.

## **7. APPRAISAL**

The key issues for consideration are:

- Determination of the application & Principle of the development
- Justification for the removal of conditions restricting the source of Solid Recovered Fuel and waste paper and card.
- Highway issues, Environmental Impact and Impact on local amenity
- Nature of Solid Recovered Fuel
- Recycling
- Future Planning Applications

### **A DETERMINATION OF THE APPLICATION & PRINCIPLE OF THE DEVELOPMENT**

The application is for the deletion of two planning conditions attached to the existing planning permission. The authority has to consider the application and can:

- approve the application i.e. delete the conditions issuing a new planning permission subject to all other previous conditions and associated legal obligations;
- refuse the application, in which case Planning Permission ESS/41/14/BTE could still be implemented with the conditions remaining in force, or;
- grant permission subject to amended conditions, however amendments to conditions can only relate to the application i.e. matters arising from deletion of conditions 28 and 30.

It is important to note that the authority cannot revisit the principle of the Integrated Waste Management Facility. Various comments have been made in representations as to the overall need for the facility, location of the facility, proximity to residential properties and potential environmental impacts arising from the IWMF. These issues do not relate to the removal of the conditions subject of the application. The WPA is not in a position to be able to refuse planning permission that would result in there being no planning permission for the IWMF. The IWMF has an extant planning permission which is required to be implemented before 2 March 2016, before which time all prior to commencement conditions and obligations are required to be discharged. In addition before the IWMF can operate it would require an



Environmental Permit from the Environment Agency which would control the pollution aspects of the IWMF. The environmental impact of the IWMF was considered in detail at the Public Inquiry in Sept/Oct 2009 and following this the Secretary of State agreed with the recommendation of the Planning Inspector and granted planning permission in March 2010.

**B JUSTIFICATION FOR THE REMOVAL OF CONDITIONS RESTRICTING THE SOURCE OF SOLID RECOVERED FUEL AND WASTE PAPER AND CARD.**

Changes in policy and management of Municipal Solid Waste in Essex since determination of the original application in 2010

The consideration of the Rivenhall IWMF was undertaken in late 2009/early 2010 and conditions were imposed at that time when waste planning applications were considered against the WLP (particularly relevant W3C – see appendix B), PPS10 and the RSS, these documents particularly the WLP & RSS placed an emphasis on each local authority and region to be net self-sufficient in managing its waste. Hence conditions were imposed on the Rivenhall IWMF planning permission to seek to constrain the geographical source of the different streams of waste to be imported to the site, such that the facility assisted Essex in being net self-sufficient and contributed to net self-sufficiency for the then East of England Region.

3 separate conditions were imposed to control the source of waste to be imported at the site.

SRF would be generated from the on-site MBT facility and from the de-ink paper pulp plant, but there would be spare capacity within the CHP/EfW facility for importation of SRF. Condition 28 constrained the source of SRF to within Essex & Southend, unless it could be reasonably demonstrated to the Waste Planning Authority that SRF was not available within Essex & Southend in which case it could be imported from the East of England Region. Condition 27 (not proposed to be deleted as part of the current application) requires imports of waste not including SRF and paper and card to be sourced from within Essex & Southend. Finally condition 30 required 50% of paper and card to be sourced from the Region unless it could be demonstrated that paper and card was not available in the Region in which case it could be imported from outside the East Of England.

At the time of determination of the application the IWMF could have been developed and utilised to serve as a facility for Essex County Council Waste Disposal Authority to deal with Municipal Solid Waste (MSW) from Essex & Southend with some importation of Commercial & Industrial Waste (C & I waste i.e. waste generated by businesses), including waste paper and card or alternatively solely as a merchant facility for C & I waste.

Since determination of the application a Mechanical Biological Treatment facility at Courtauld Road, Basildon has been developed to deal with Essex & Southend's MSW. The facility is currently in its commissioning phase. A number of waste transfer stations have been developed by the Waste Disposal Authority which bulk up waste from Waste Collection Authority's (City/District/Borough) which is then taken to the MBT. The output (RDF - Refused Derived Fuel) of approximately 200,000tpa from the MBT has been contracted by the Waste Disposal Authority for the first 3

years to be dealt with by a private waste management company and the output is likely to be exported to the Netherlands for use in EfW facilities. Originally it had been thought that 2 or even 3 facilities of the scale of Courtauld Road would be needed to treat MSW, but the effect of household recycling schemes has reduced the volume of waste now requiring pre-treatment and disposal, such that only one facility that at Courtauld Road is needed for MSW, but this does not address the treatment and disposal of C & I Waste in Essex for which the WPA must also plan and make provision for.

Due to the Courtauld Road facility, if the Rivenhall IWMF were developed it would be as a Merchant facility for C & I waste, but has the potential in 3 years time when the existing contract for disposal of the output from Courtauld Road ends to seek to obtain the contract for disposal of the RDF produced by the Courtauld Road facility.

In addition to these changes in the management of waste within Essex there have been significant changes in waste policy.

The revised European Directive on Waste was published in 2008 and transposed into UK in law 2011. Paragraph 1 of Article 16 of the revised Waste Framework Directive (rWFD) (2008) requires that member states ensure that the network of facilities shall enable waste to be *“recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health”*. Paragraph 2 of the rWFD requires member states to develop a network of disposal and recovery installations for the Community as a whole to become self-sufficient in waste disposal and recover and indicates the network of facilities be established *“to move towards that aim (i.e. self-sufficiency) individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.”* In addition Government guidance<sup>1</sup> to planning authorities on implementing the Waste Framework Directive stresses *“in meeting the requirement of the proximity principle, there is no expectation that each waste planning authority will deal solely with its own waste”*.

The Waste Regulations 2011 sets the following objectives to

- Obtain self-sufficiency at the national level
- Establish a network of facilities from which value can be recovered from municipal waste or waste that is collected together with municipal waste.

In response to the revised Waste Directive PPS10 was revised in 2011 (now replaced by NPPW) amending the waste hierarchy recognising the importance of waste prevention at the top of the hierarchy but also recognising that energy from waste was a recovery process, as it allowed the generation of energy from the waste, (seeing waste a resource) and was more sustainable than landfill, and therefore above landfill in the waste hierarchy.

In addition since imposition of the conditions there have been other significant national planning policy changes including the publication of the NPPF (2012) and more recently the NPPW (2014). Also of significance is the abolition of the Regions & East of England Regional Spatial Strategy, such that there is no specific policy

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<sup>1</sup> Guidance for local planning authorities on implementing requirements of the European Waste Framework Directive (2008/98/EC)

which requires each waste planning authority to be net self-sufficient and to assist in regional self-sufficiency, as there are now no regions. The NPPW does not require local self-sufficiency, but requires communities and businesses are engaged with and take more responsibility for their own waste in line with the proximity principle i.e. the nearest appropriate installation. As a result it is acknowledged that now in part Essex's Waste Local Plan is not in conformity with the NPPW, particularly as W3C seeks to retain waste treatment/disposal capacity within Essex & Southend for waste arising in Essex & Southend only (see appendix B for consideration of consistency of WLP policy with NPPF & NNPW). While aspirationally each Waste Planning Authority should seek to be self-sufficient and through the Duty to Co-operate agree trans movement of waste across local authority boundaries, it has to be recognised that the movement of waste is largely controlled through commercial contracts, often relatively short in length (2 to 3 years) over which Waste Planning Authorities have little influence.

The NPPF requires a *presumption in favour of sustainable development and granting permission unless there are specific policies in this Framework that indicate development should be restricted*. The NPPF sets out the 3 dimensions of sustainable development including an economic role, social role and environmental, included within the economic role is "contributing to building a strong, responsive and competitive economy" and as such is National Government support for not unnecessarily inhibiting business. The NPPW in considering identification of new waste sites recognises "*that new facilities will need to serve catchments areas large enough to secure the economic viability of the plant*".

The current application is therefore being considered against a different background of legislation/guidance, one where there is an aim for national self-sufficiency, but not a requirement for local self-sufficiency and recognition that certain facilities to be viable may need to serve wider catchments.

#### Availability of SRF for the facility

The applicant has reviewed the availability of waste suitable as feed stock for the Rivenhall CHP/EfW to demonstrate that even if the constraint as to the source of the RDF were removed the facility would still ensure waste was disposed as high up the hierarchy as possible i.e. waste imported to the facility might have otherwise have gone to landfill or that it would attract SRF that is currently being transported further distances to facilities within the UK or on the continent.

The applicant has reviewed the latest data held by the EA, that being for 2012<sup>2</sup>. Within England 21.3mt of non-hazardous waste was landfilled in England of which approximately 10.1mt was non-hazardous C & I waste. Whilst not all this waste would have been suitable for energy recovery it does give a scale to the amount of waste available for recovery within England.

Analysis of EA data collected for the Region (the EA still use these areas for collection purposes) and DEFRA data shows that in 2012 1.34 million tonnes of non-hazardous C & I waste was landfilled in the East of England Region and within the East of England, South East and East Midlands and London a total of 5.32 million

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<sup>2</sup> Landfill deposits by site type, waste type and sub-region 2001 to 2012, Environment Agency

tonnes. Based on compositional information from DEFRA<sup>3</sup> about 2.2mt of this was non-metallic waste (similar to the composition of MSW) and suitable for use in an energy recovery facility.

The WPA Waste Capacity Reports of 2013<sup>4</sup> and 2014<sup>5</sup> indicate there is likely to be 2.11 million tonnes to 2.38 million tonnes of non-hazardous waste arising in Essex, although the MSW element of this tonnage will reduce with the utilisation of the Courtauld Road facility, but would still leave a significant quantity treatment/disposal. It is also acknowledged in the Waste Capacity Gap report 2014 that if the two other major waste facilities permitted at Stanway and Rivenhall do not become operational other waste facilities will be required. An update<sup>6</sup> has been provided to the 2014 report which would indicate the tonnage of C & I may not be as great as estimated under the 2014 report, but without one of either Stanway or Rivenhall, there is likely to be need for additional facilities. An application to extend the life of Pitsea Landfill (to complete the existing void capacity) is currently with the WPA for determination which would provide landfill capacity for C & I waste, other facilities could come forward to meet the shortfall, but may not provide treatment disposal capacity as high up the waste hierarchy as the capacity that would be provided by either Rivenhall or Stanway (The Stanway permission is due to expire in May 2015). However, it should be emphasised that little weight can be attributed to these document as they have not been tested at examination.

#### Export of SRF/RDF for Energy Recovery

One of the consequences of the increase in landfill tax is that considerable volumes of residual waste, waste which has been pre-treated, are now being exported from the UK to the continent for energy recovery. As much as 2.4 million tonnes<sup>7</sup> was exported from the UK in the first half of 2014. This has been stimulated by a surplus of EfW capacity on the continent and the high cost of landfilling in the UK, such it has become cost effective to export to the continent. The applicant states that if the geographical constraint on SRF were removed it would allow the Rivenhall facility to utilise some of this material being exported to generate renewable energy in the UK. National government has confirmed that it is happy to see RDF/SRF to be traded as a commodity and does intend to ban or tax exports of SRF/RDF in order to encourage UK based energy recovery facilities. The applicant therefore argues that it is necessary for such effective and efficient domestic facilities to be unburdened by fuel sourcing restrictions.

Rivenhall is considered by the applicant to be well located on the A20 to “intercept” flows of RDF/SRF that are currently being exported from Tilbury, Harwich and Felixstowe, in the first half of 2014 this amounted to 275,000+tonnes<sup>8</sup> exported from Harwich & Felixstowe. With the RDF from the Courtauld Road facility to be added shortly to the exports already being undertaken from Tilbury, this could amount to 750,000tpa of SRF/RDF being exported from Harwich, Felixstowe & Tilbury.

Against this background of RDF/SRF being traded internationally the maintenance of

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<sup>3</sup> Commercial and Industrial Waste Survey 2009, Final Report, Jacobs, on behalf of Defra, May 2011

<sup>4</sup> Waste Capacity Gap Report 2013 Update - July 2013

<sup>5</sup> Waste Capacity Gap Report – September 2014

<sup>6</sup> Local Waste Arisings - Addendum to the Waste Capacity Gap Report 2014

<sup>7</sup> Data from [www.letsrecycle.com](http://www.letsrecycle.com) compiled from data obtained from EA.

<sup>8</sup> Data from [www.letsrecycle.com](http://www.letsrecycle.com) compiled from data obtained from EA

a strict waste derived fuel sourcing condition on the Rivenhall permission is not logical and does not assist in the UK's commitment to increasing the contribution of renewables fuels to overall energy supply.

### Current Energy from Waste capacity within the East Of England

The applicant has reviewed the current availability of EfW facilities in the East Of England. Currently the only operational EfW facility is that at Great Blakenham, Suffolk which is in its commissioning phase. A further local authority contracted EfW facility is to be developed at Peterborough these would provide a combined capacity of 354,000 tpa. An EfW facility to be developed in Norfolk has currently been abandoned, but with no alternative for disposal of the waste.

The applicant considers the constraint on the source of waste to fuel the CHP/EfW facility will be a disincentive to investors. The government indicates that it intends to “put significant resources into overcoming barriers to delivering further market driven investment, aimed at optimising the role of energy from waste in the hierarchy and as a source of low carbon energy”<sup>9</sup>

### Fuel sourcing restrictions on other EfW facilities

The applicant has undertaken a review of other similar planning permissions for EfW to see what if any conditions have been imposed with respect to source of waste, the facilities reviewed include:

1. Ardley EfW Facility, Ardley, Oxfordshire ( 2010)
2. Lostock Energy from Waste Facility, Lostock, Cheshire (2012)
3. Rookery Resource Recovery Facility, Bedfordshire (2013)
4. Ferrybridge Multifuel facility, South Yorkshire (2011);
5. Avonmouth Energy from Waste Facility (2011); and
6. Ince Marsh Resource Recovery Facility, Cheshire (2009).

In all cases no catchment condition has been imposed. The Ferrybridge and Rookery facilities were not dealt with through the planning system, being dealt with by the Infrastructure Planning Commission and Electricity Act respectively. However, the other facilities were all following Public Inquiries and the Oxfordshire case the suggested wording of the condition was substantively the same as that imposed under condition 30 and the Planning Inspector stated “*I do not accept that condition 18 suggested by OCC would be enforceable or reasonable*” noting that “*the source of C&I waste could not be ascertained with any degree of certainty given the likely variability of the origins of waste from transfer stations*”.

In the Avonmouth case the authority wished to limit the source of waste from the Avon and surrounding authorities to seek to achieve self-sufficiency in the sub-region. The Inspector concluded “*in circumstances where the capacity for the resource recovery remains less than the quantity of the waste needing to be managed, the market is likely to ensure that the majority of the waste closest to the recovery capacity will be managed there*”.

Comment has been made if the applicant did not agree with the conditions why were

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<sup>9</sup> Energy from Waste. A guide to the debate. DEFRA Feb 14

they not appealed at the time. The conditions were accepted by all at the public inquiry and were considered enforceable based on the policy background on which they were justified. The policy background has changed since 2010 and the decisions above indicate that it is unlikely such conditions would be imposed if they were being considered with respect to current policy and practice. Overall it is considered against the current policy framework which does not require local self-sufficiency and based on the analysis of similar cases, the likelihood of successful appeal if planning permission were to be refused for removal of the condition would be high.

The applicant also argues that there has been significant structural changes to the waste market since the planning application was submitted in 2008, particularly the rapid growth in an export market for waste derived fuels such as SRF and that a more flexible approach to fuel and waste paper and card sourcing would have economic and environmental benefits improving the feasibility of the scheme and this would be consistent with comparable facilities in the UK.

Economic viability issues associated with transport costs and the costs of treatment will naturally constrain the area from which waste will be drawn to the IWMPF.

#### Source of Waste Paper and card

The De-Ink Paper pulp plant would reprocess paper and card recovered from the waste stream and would be made into paper pulp board for use in the paper industry, higher in the waste hierarchy than energy recovery or landfill. Condition 30 requires 50% of waste paper and card to supply the De-Ink Paper Pulp Plant to come from within the East Of England. This was justified with respect to policies within the now abolished RSS to ensure specialist waste facilities sort to achieve self-sufficiency for the Region. The paper pulp facility would be aimed at higher quality paper and card recycle and as such would not be competing with the Palm Paper Facility at Kings Lynn which largely reprocesses newspaper print. The applicant has reviewed other paper processing facilities in England which include a container board facility at Partington in Manchester and another at Snodland in Kent. None of these three facilities are constrained as to the source of the recycled paper they utilise.

The applicant has also identified that approximately 50%<sup>10</sup> of paper recovered in 2013 in the UK was exported for reprocessing and evidence<sup>11</sup> also indicates that Waste paper is even being exported beyond the EU for reprocessing.

Without the RSS policy and with no other facilities constrained as to where feed stock is sourced, it is now considered unjustified to constrain the Rivenhall paper pulp facility in such a way and make it less competitive.

## **C HIGHWAY ISSUES, ENVIRONMENTAL IMPACT AND IMPACT ON LOCAL AMENITY**

As mentioned previously the authority can only consider the merits of the current application, the principle of the IWMPF has already been established and the

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<sup>10</sup> Annual statistics European Pulp and Paper Industry 2013. Confederation of European Paper Industries 2013

<sup>11</sup> Eurostat

environmental impact of the IWMF were considered in detail at the Public Inquiry in 2009.

Concern has been raised that the removal of geographical constraints might increase traffic movements and or the capacity of the facility. The total movements per day are controlled by condition such that there would be no more than 404 movements a day Monday to Friday and 202 on Saturday mornings, no changes are proposed to this condition. No objection has been raised to the application by the Highways Agency, responsible for the A120 or the Highway Authority responsible for the crossings with Ash Lane and Church Road. In addition the total inputs to the site are controlled by condition and may not exceed in total 835,000 tpa and are not proposed to be changed as part of the current planning application. Any increase in vehicle movements or total capacity would require a separate planning application and would need to be considered on its individual merits.

Concern has been raised that the potential longer journeys would increase waste miles and lead to consequential increase in traffic pollution. Evidence already presented earlier in the report would indicate that some of this waste is already travelling through Essex to ports and that some of the waste is being taken on long journeys to the continent. If the facility at Rivenhall were available, there is potential for these wastes to be “intercepted” such that overall waste miles might in total be reduced with consequential reduction in pollution. In any event the transport costs of moving wastes are likely to limit the distance over which waste will travel.

Concern has been raised that in view of the sites proximity to ports the site might encourage waste from overseas for treatment at the facility. As explained previously with respect to fuel for the CHP/EfW facility, there is currently a shortfall in RDF on the continent which is leading to UK RDF being exported, it is unlikely with a good market for RDF on the continent that with the additional transport costs of shipping to the UK that RDF from the continent would be attracted to the UK. Similarly waste paper and card is being exported to the continent for reprocessing such that it is unlikely that it would be imported to the UK when stock is available within the UK.

Concern has been raised that by sourcing waste from further afield drivers may not be familiar with the road network and try to approach via minor roads. Access by HGV would only be possible from the A120 and obligations with the existing S106 require all drivers to be advised of the preferred routes to the site.

#### **D SOLID RECOVERED FUEL AND REFUSED DERIVED FUEL & POLLUTION CONTROL**

British Standards identify classes of SRF based on the waste’s calorific value and its mercury and chlorine contents. A review by the applicant of typical quality of RDF being produced in various regions in England has indicated that RDF would comply with the SRF specification criteria. In addition to composition of residual C & I waste i.e. that after treatment, it has been shown by the applicant to be similar in properties to residual MSW. Thus while the current planning permission and the supporting application documentation to the original planning application largely referred to Solid Recovered Fuel for planning purposes the use of the term RDF in relation to the Rivenhal facility is also acceptable.



The applicant in analysing the properties of C & I waste has made reference to C & I waste containing “non-metallic waste”, “animal and vegetable waste”, “chemical wastes” “healthcare wastes” and “discarded equipment”, this has been done in order to be able to assess the likely tonnages of C & I waste to be available within England and the East of England. These types of waste are contained within both C & I and MSW. As facilities are developed such as the AD at Rivenhall it is likely producers of C & I waste will seek to separate and send animal and vegetable wastes to AD for energy recovery, but it will be the cost benefit of such changes that would drive producers to do this.

Concern has been raised that if the wastes mentioned above are to be utilised in the facility as SRF/RDF this would give rise to greater pollution. The exact nature of waste permitted to be imported to the site and consequential pollution controls are matters that would be addressed through the Environmental Permit. As set out in national planning guidance<sup>12</sup> it should be emphasised that Planning Authorities/Planning Inspectorate are required to assume that the pollution control regime administered by the Environment Agency would operate effectively. As further set out, waste planning authorities should not be concerned *with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.* The Environment Agency is the responsible body for regulating the pollution control regime and would be responsible for regulating the operation of the facility under an Environmental Permit. Discharges and emissions to air would be required to meet specific standards under this permit, so not to have an adverse impact on human health. This includes ensuring discharges and emissions are acceptable with the currently permitted chimney height.

## E RECYCLING

Concern has been expressed that the application largely discusses matters with respect to the imports to the CHP/EfW facility and De-Ink Paper Pulp facility not mentioning other elements of the facility which would see the recovery of resources either the separation of recyclate through the Materials Recycling Facility or energy recovery through the Anaerobic Digestion facility. The application relates to the removal of conditions with respect the SRF and paper and card and does not propose changes to other elements of the IWMF hence they have not been referenced. Residual waste that can be imported as SRF/RDF is by its definition the residual having previously undergone some kind of pre-treatment which includes sorting to recover recyclables, shredding, or some kind of volume reduction, such as MBT. With respect to the De-Ink Paper Pulp facility it would provide a facility reprocessing recovered/recycled paper producing paper pulp board that can then be used in the manufacture of new paper.

As the MBT at Courtauld Road would deal with the Essex’s MSW, the recyclables having been partly removed through the local Waste Collection authority recycling schemes, and further recovered by the Material Recycling Facility at Courtauld Road, the Rivenhall Facility would not have a direct impact on the amount of material

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<sup>12</sup> National planning policy for waste, Department for Communities and Local Government, First published:16 October 2014  
<https://www.gov.uk/government/publications/national-planning-policy-for-waste>

recycled from Essex's MSW.

## **F FUTURE PLANNING APPLICATIONS**

Concern has been expressed that the current application is one of a number of planning applications for waste development at the Rivenhall site over 22 years, of bigger and more controversial waste developments, that planning creep is occurring and in the case of this application an erosion of conditions previously imposed on the Rivenhall IWMF which made it acceptable in planning terms. The WPA cannot decline to determine planning applications or control an applicant as to how planning applications are submitted. The planning authority must consider each application on its individual merits, but can and will take account of the cumulative effect of any future changes to the planning permission.

## **8. CONCLUSION**

The planning policy justification for the imposition of conditions 28 and 30 relied upon national and regional planning policy that has now either been changed or abolished, namely that while nationally there is an objective to be self-sufficient (Waste Regulations 2011) with respect to waste disposal and recovery and that waste should be treated or disposed of at the nearest appropriate facility (rWFD).

The applicant has shown through a review of planning permissions for similar EfW facilities and paper reprocessing facilities that no other similar facilities are constrained as to the source of their materials, such that it would be unreasonable to impose such constraints on the Rivenhall Facility and would potentially undermine the viability of the facility contrary to policy with the NPPW.

The applicant has shown through analysis of waste data that there is C & I waste suitable for use as SRF/RDF in the CHP/EfW facility arising within the East of England and surroundings areas, such that the Rivenhall facility would likely reduce the amount of waste going to landfill pushing waste management up the Waste Hierarchy in accordance with the NPPW. In addition, it has been shown that currently RDF is passing through Essex to Essex ports, RDF which could potentially be intercepted/redirected (subject to contracts) to the IWMF at Rivenhall reducing waste miles and seeing the RDF generate renewable energy within the UK rather than being exported for use on the Continent and there by contributing to achieving the aim of national self-sufficiency with respect to waste management and increased renewable energy generation. This is also consistent with the Waste Regulations as geographic circumstances have been taken into account.

The applicant has evidenced that there would not be over provision of EfW capacity in the East of England and the WPAs own evidence being complied to inform the emerging Replacement Waste Local Plan indicates that if the Rivenhall and/or Stanway major waste management facilities are not developed other waste management facilities would be likely to be required.

Similarly it has been shown that waste paper and card is currently being exported for reprocessing which could be reprocessed at Rivenhall and the facility would not be competing with existing waste paper reprocessing facilities, as the Rivenhall facility is aimed at a higher quality paper production than the currently being manufactured in

the south and east of England.

The NPPF requires that there is a presumption in favour of sustainable development, the Rivenhall facility would result in the diversion of waste away from landfill and see reprocessing of recovered paper and card pushing waste management up the waste hierarchy in accordance with the NPPW.

It is also recognised within the NPPW that new facilities may need to serve larger catchment areas to be economic viable. It is therefore concluded that the proposals would still give rise to sustainable development and there is now is no planning policy justification to withhold planning permission and the conditions should be deleted.

## **9. RECOMMENDED**

That planning permission be **granted** and conditions 28 and 30 be deleted from the planning permission subject to:

- 1) All other conditions of ESS/41/14/BTE being re-imposed
- 2) An informative to be added to the permission clarifying that references to Solid Recovered Fuel (SRF) are considered to be the same as Refuse Derived Fuel (RDF) for the purposes of the planning permission.
- 3) A deed of variation to ensure the new planning permission remains subject of the obligations of the original s106 associated with Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) and ESS/41/14/BTE.

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## **BACKGROUND PAPERS**

Consultation replies  
Representations

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## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)**

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

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**EQUALITIES IMPACT ASSESSMENT:** This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

## **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER**

The Minerals and Waste Planning Authority has engaged with the applicant over several months prior to submission of the application, advising on the validation

requirements and likely issues.

Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

#### **LOCAL MEMBER NOTIFICATION**

BRAINTREE – Witham North

BRAINTREE – Braintree Eastern

### Description of IWMF proposals

Anaerobic digestion (AD) plant would treat mixed organic waste (MOW) either food and/or green waste at approximately 85,000 tonnes per annum (tpa), producing biogas converted to electricity through biogas generators and a compost suitable for use in agricultural and horticultural uses.

Materials Recovery Facility (MRF) for mixed dry recyclable waste e.g. paper, plastic, glass, metals. These dry recyclables would be from kerbside collections (100,000 tpa) and/or recovered from the dried waste following treatment in the MBT. The collected dry recyclables may arrive in various mixes depending on the District Councils'/businesses particular recycling schemes and therefore would require sorting which would be achieved using machinery such as trommel screens, ballistic separators and density sorters. The recyclable materials would then be bulked up for export for further reprocessing. The MRF would also process output from the MBT to recover any recyclables.

Mechanical Biological Treatment (MBT) facility for the treatment of 250,000 tpa of municipal and/or commercial and industrial wastes to produce a solid recovered fuel (SRF). Within the MBT waste would be shredded and dried. The MBT would consist of 5 "Biodrying halls" each with a 50,000 tpa capacity. The shredded waste would be laid in windrows within the halls and continuously moved by cranes down the halls with air flow being created via perforated concrete floor. The process would take about 12 -15 days and would reduce the waste in mass by about 25%.

De-inking and pulping paper recycling facility to reclaim up to 360,000 tpa of paper and card received from within East of England Region and London and that recovered at the MRF. The paper and card would initially be treated with steam to create a "floc". The floc would be passed through pulping machinery and through processes of flotation and de-inking to emerge as wet pulp before being dewatered and dried. Once dried the de-inked paper pulp would be formed into boards and bulked up and transported off site for manufacture of graphic or tissue paper. It is anticipated a maximum of 199,500 tpa would be exported from the site.

Combined Heat and Power (CHP) Plant utilising a total up to 360,000 tpa solid recovered fuel (SRF). The total would include SRF produced by the MBT (up to 109,500 tpa), rejects from the MRF (up to 10,000 tpa) and SRF imported from the Waste Management Facility within Essex which could include SRF from the Courtauld Road, Basildon, plus pulp process waste sludge (up to 165,000 tpa). The CHP plant would consist of four 90,000 tpa boiler lines. The CHP would produce electricity, heat and steam. The energy generated would be used to provide electricity for use within the IWMF and export to the national grid and the heat and steam would be used directly in the paper pulp facility.

Extraction of minerals – in the original proposals in order to enable the buildings to be partially sunken below ground level, it was proposed that 760,000m<sup>3</sup> of Boulder Clay, 415,000m<sup>3</sup> of sand and gravel and 314,000m<sup>3</sup> of London Clay would be extracted. A large proportion of this extraction has taken place as part of working site A2, but there still remains, a quantity of clays and sand and gravel (100,000 tonnes) minerals to be

extracted. Where possible the minerals would be utilised in construction of the facility or exported from the site. Sand and gravel could be processed at Bradwell Quarry, subject to a further planning permission related to that site.

Visitor and Education Centre – the Listed Woodhouse Farm house and associated buildings would be refurbished and used as a visitor and education centre, providing an education facility in connection with operation and products of the Waste Management Facility. It is also proposed to provide an area for a local heritage and airfield museum.

Extension to existing access road – the existing access road to Bradwell Quarry would be extended approximately 1km south through the quarry workings to the proposed facility. All traffic would only use the A120 to access the site, utilising the existing junction for Bradwell Quarry. The haul road would be an 8m wide metalled road located into an existing and extended cutting. The crossing points with Church Road and Ash Lane would be improved with additional speed ramps, lighting and signing, but would remain single lane.

Provision of offices and vehicle parking – offices would be provided within the IWMPF. A staff and visitors car park would be developed west of Woodhouse Farm and would not be used by HGV traffic.

Energy Production – 36-43MW per annum of electricity would be generated on site from a combination of energy generated from biogas from the AD process (3MW per annum) and between 33-40MW per annum spare energy from the CHP plant. Approximately half the energy would be utilised on site enabling approximately 21MW per annum to be exported to the National Grid.

#### Buildings and Plant

The facility would comprise 63,583 m<sup>2</sup> of partially sunken buildings and treatment plant situated on the south-eastern edge of Rivenhall Airfield providing employment for around 50 people.

The proposed building to house the Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) and Pulp Production Facility consists of two arch roofed buildings adjacent to each other, each measuring 109m wide x 254m long x 20.75m to their ridges. Both buildings would have “green” roofs, 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 40m x 72m x 21m;
- A Combined Heat and Power Plant 78m x 44m x 31m high with a stack of 35m above original ground levels;
- A Turbine hall and Electrical Distribution hall 23m x 44m 10m, plus electrical distribution gear on the roof;
- Flue gas and exhaust air clean up complex 33m to 45m x 72m x 24m;
- 3 Anaerobic Digestion (AD) tanks approx. 28m in height and approximately 25 m in diameter;
- A gasometer 30m diameter and 28 metres in height.

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.

The main structures, except the stack at 35m, would be no higher above surrounding ground level than the hangar that was previously located on the site (approximately 12.5m maximum height).

#### Existing and Proposed Habitats, Planting & Screening

Approximately 1.6 hectares of woodland in the south eastern part of the site would be removed involving the loss of 2 trees (G1 & G4) covered by Tree Preservation Orders (TPO), 2 trees were removed as part of extraction with site A2 and 2 TPO groups of trees (W2 & W3) leaving a strip of woodland approximately 20m around the void. The 'American Oaks' on site which would be felled have been authenticated as native English Oaks. The remaining woodland around the IWMF would be managed to improve both its ability to screen the development as well enhance the biodiversity value. In addition 19.1ha of open habitats would be lost, including areas of grassland, arable land, bare ground, mitigation proposed includes approximately 1.2ha of new species rich grassland and the management of 1ha of existing grassland south of Woodhouse Farm to improve its species richness. In addition to that proposed in the application the applicant has now committed to provide an additional area of new species rich grassland of approximately 0.6ha east of Woodhouse Farm.

The Waste Management Facility would be sunken below natural ground within the void created by the extraction of the mineral and overburden. In order to maximise the void space the sides of the void would be constructed with a retaining wall. The void would be approximately 16m deep, such that the ridge of the arched buildings would be approximately 10m above natural ground levels and the tops of the AD and gasometer tanks would be 12m above ground levels. The CHP stack would be 35m above original ground levels. Cladding materials would be dark in colour to ensure that they generally blend into the existing landscape, woodland backdrop, distant horizon and immediate surroundings.

New planting at existing ground levels is proposed on the south west and north east side of the two main buildings, approximately 20m wide. New hedging (2km in total) on either side of the extended haul road is proposed as well as enhanced planting between the car park and Woodhouse Farm buildings. An additional block of woodland planting is also proposed northeast side of the site along with long term management of existing woodland to enhance its screening and ecological value. In addition a 45m wide belt (approximately 1.2ha) of trees adjacent to the woodland on the south side of the proposal. The applicant has also committed to implement the proposed planting and woodland management within the first available season following issue of any planning permission.

#### Lighting

The proposal is situated within a light sensitive area and therefore low level lighting with timers and solar sensitive detectors would be fitted to the exterior of the plant and installed at a low level to prevent light pollution. Internal lighting levels would be reduced to approximately 5 lux. For security purposes at the end of the working day or 23:00 hours whichever occurs first.

#### Waste type and throughput

The facility has been designed to import and recycle or dispose of up to 853,500 tonnes



waste annually comprising the following.

Mixed dry recyclables (MSW or similar C & I )	100,000 tpa
Mixed organic waste (MSW or similar C & I)	85,000 tpa
Residual MSW and/or C & I	250,000 tpa
Waste paper and card	331,000 tpa
Imported SRF	87,500 tpa
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Totals imports	853,500 tpa

The through put capacity of each element of the waste management facility and therefore the total treatment capacity is as follows

Materials Recycling Facility	up to 287,500 tpa
Anaerobic Digestion	up to 85,000 tpa
Mechanical Biological Treatment (MBT) Plant	up to 250,000 tpa
Paper pulp facility	up to 360,000 tpa
CHP	up to 360,000 tpa
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	up to 1,342,500 tpa

In reviewing the importation of waste figures against those of processing capacity it must be remembered that some of the imported waste would pass through one or more processes within the facility. For instance the output of the MBT plant would also be passed through the MRF, allowing recovery of recyclables. The remaining un-recyclable output from the MBT plant would then provide up to 109,500 tpa of SRF utilised in the CHP plant. Similarly the MRF is anticipated to provide an additional 29,000 tpa of paper and card for the paper pulp facility. The 360,000 tpa of card and paper processed through the de-ink paper pulp facility is anticipated to provide approximately 110,000 to 165,000 tpa of waste by products suitable as SRF for the CHP plant.

#### Traffic Generation

The waste management facility would generate up to 404 daily Heavy Goods Vehicle (HGV) movements comprising 202 into and 202 out of the site a day, with approximately 90 Light Goods Vehicle (LGV) or car movements associated with staff, deliveries and visitors (including approximately 2 coach movements a day). During the construction phase the IWMF would generate 195 HGV movements in and 195 HGV movements out.

#### Environmental Control

Waste would be delivered in enclosed vehicles or containers and all waste treatment and recycling operations would take place indoors under negative air pressure and within controlled air movement regimes, minimising potential for nuisances such as odours, 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 be required by the Environment Agency.

#### Hours of operation

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 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 is expected to accept and receive clearances from local Household Waste Recycling Centres on Sundays, Bank and Public Holidays (although this is unlikely as these are now contracted to be taken to Courtauld Road). Due to the continuous operational nature of the waste treatment processes, the waste management facility would operate on a 24 hour basis but not involve external activity for large scale plant or vehicle movements outside the normal operating hours for the receipt of waste.

During the construction period of 18 to 24 months the proposed hours of operation would be 7:00 to 19:00 seven days a week.

#### Water management

The IWMF includes a 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 from 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 paper pulp process facility would be purified through an on site water treatment facility. It is anticipated that the IWMF would be largely self-sufficient, by utilising rain/surface water, only requiring some importation of water which could be sourced from New Field Lagoon, which is part of the drainage system for the restored mineral working to the north or from abstraction points (subject to the appropriate licences), or obtained from the mains.

#### Other details

The tipping areas and internal reception bunker would provide a form of buffer storage of approximately 2 days of imported waste within an internal reception bunker to ensure that waste processing and treatment operations run continuously and that there is spare capacity in the event of temporary shutdown of the waste management facility.

An archaeological investigation on those parts of the site to be stripped or excavated would be carried out prior to stripping of soils. A retaining wall would be created prior to the extraction of minerals to create the void. These materials would be removed over or utilised in the restoration of Bradwell Quarry.

Draft Consideration of consistency of WLP Policies with the NPPF and NPPW  
Waste Local Plan

W3A	Sustainable Development, National Waste Hierarchy & Proximity Principle	<p>The WPAs will:</p> <ol style="list-style-type: none"> <li>1. In determining planning applications and in all consideration of waste management proposals, have regard to the following principles: <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> </li> <li>2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</li> <li>3. Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for</li> </ol>	<p>Sustainable Development</p> <p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>Sustainable waste management is a goal that has been fed through to the NPPW via the Waste Management Plan for England, which sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.</p> <p>The NPPW states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy.</p> <p>BPEO</p> <p>The term 'Best Practicable Environmental Option' is no longer used in waste planning.</p> <p>The protection of the environment remains a key consideration within the NPPW, balanced with</p>
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		<p>Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</p>	<p>consideration of amenity and health impacts.</p> <p>The waste hierarchy</p> <p>The NPPW sets out a waste hierarchy which is slightly different to that within the WLP, but the overall objective of discouraging disposal and ensuring resource recovery is adhered to.</p> <p>Conformity with the Proximity Principle</p> <p>The proximity principle continues to be a consideration within the NPPW, whereby waste must be able to be disposed of, and mixed municipal waste be able to be recovered in one of, the nearest appropriate installations.</p> <p>Further, the Planning Policy Guidance for Waste states that 'nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations.'</p> <p>However, the NPPW recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.</p> <p>See also the reasoning for Policy W8A.</p> <p>With regard to Essex, Southend and regional waste management, the NPPW requires that waste arising across neighbouring WPA areas are accounted</p>
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			<p>for (note this does not relate only to those authorities inside of the East of England region, as was), that the need for additional waste management capacity of more than local significance is considered and that the need for waste management and disposal of waste arising in more than one WPA area is accounted for.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and the NPPW, with the exception of the requirement for consideration of BPEO.</p>
W3C	Need for waste development	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposals with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh any harm caused;</li> <li>• Where meeting a cross-boundary need would satisfy the proximity</li> </ul>	<p>The NPPW has been updated to take account of the abolition of the Regional Spatial Strategy for the East of England. The NPPW requires WPAs to plan collaboratively through duty to cooperate, to provide a suitable network of facilities and to consider the need for facilities of more than local significance.</p> <p>Waste planning authorities should ensure that waste disposal facilities and facilities for the recovery of mixed municipal waste collected from households are appropriately sited to ensure compliance with the proximity principle. This may include joint working with other planning authorities to develop an extensive network of sites to enable effective waste management.</p> <p>The concept of the proximity principle is therefore</p>

		<p>principle and be mutually acceptable to both WPAs;</p> <ul style="list-style-type: none"> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>supported by the NPPW, as stated in the reasoning for Policy W3A. However, it is acknowledged that the NPPW recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.</p> <p>Therefore, Policy W3C is considered to be partially consistent with the NPPW, acknowledging that the requirement for a restriction on the source of waste to that arising within the Plan area is no longer supported as the standard approach.</p>
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## Summary of representations

<u>Observation</u>	<u>Comment</u>
The applicant keeps changing the development, the current changes are significant and this application should be withdrawn and resubmitted to the planning inspector to allow all stakeholders an opportunity to reassess this proposal in its entirety.	The application is of a scale that can be determined by the WPA. If the application was refused, the applicant could appeal to the planning Inspectorate. The Secretary Of State also has the right to Call-In the application, but due to the nature of the application this is unlikely.
The development keeps changing, there appears to be planning “creep”. Entire development should be reconsidered as waste markets and the general economic environment have changed since the original application was granted and the local infrastructure is still not sufficient to meet existing needs. There are also other development proposals - not yet applications - that should be considered as part of the wider questions about development at Rivenhall and the surrounding areas.	The planning permission was given a 5 year life by the Planning Inspectorate recently extended to 6 years by the WPA. Currently there is no requirement to reconsider the whole application. In any event only development with planning permission or allocated within a submitted plan can be taken into consideration.
The original proposal for this plant was a ‘recycling plant for Essex’, with the request to remove the conditions 28 and 30 would open the plant up to the whole of England, and the possibilities to import waste. The facility is also able to take commercial and industrial waste, all of which would be sent for incineration.	See Appraisal
If geographical restrictions are removed the facility, the facility is likely to import the majority of its waste from outside our region, contrary to the proximity principle.	See appraisal
If the facility cannot be operated as permitted, i.e. without the need to import waste outside Essex/East of England, then the facility should not be developed.	See appraisal
The site has a 22 year history of waste applications and the local community has had to go through numerous planning applications,	Each application has to be dealt with on its individual merits.



consultations and Inquiries with no apparent end in sight. If the applicant cannot build and operate the plant with the existing planning permission, then the development should not go ahead.	
The facility should operate for Essex needs alone, as originally agreed. Any increase in size of sourcing area would be contrary to the proximity principle.	See appraisal
The application is justified on commercial difficulties and not planning matters. The plant has not been built despite having had consent for nearly 5 years.	See appraisal
The conditions 28 and 30 that the applicant seeks to delete were accepted by the applicant at the Inquiry, were not appealed following consent in 2010 and have never been challenged until now.	See appraisal
If this latest change is allowed to remove all geographical sourcing of SRF and paper/card, the majority of waste entering the site could come from outside Essex. The plant would lose much of its “Essex needs basis” and could have a much reduced role in meeting the stated Essex waste treatment capacity requirement of ECC as set out in its plans and strategies.	See appraisal
The attempt to delete conditions 28 and 30 negates their purpose in a key respect – which they were set out as requirements on the operators to use their “reasonable endeavours” to source waste within Essex or the region, with triggers to new scenarios for limited periods if they could not achieve those aims. There is no plant built, or even started. There are no operators. Therefore these conditions cannot be tested until the plant is operational.	See appraisal
It does not seem particularly onerous that the operator of the proposed facility at Rivenhall should demonstrate to the Waste Planning Authority that it has used “reasonable endeavours” to source Solid Recoverable Fuel from Essex and Southend and then from the East of England if there remains spare	See appraisal

capacity. Nor does it appear difficult for the operator to use “reasonable endeavours” to source 50% of wastepaper and card from within the East of England. If these amounts of waste are not being generated within the locality or region it is questionable why there should be a plant located at Rivenhall in the first place.	
To justify the removal of Conditions 28 and 30, the supporting document cites the “proximity principle” as set out in the revised Waste Development Framework as requiring municipal waste to be recycled in “one of the nearest appropriate installations, by means of the most appropriate methods and techniques”. It also refers to government guidance as stating that “there could ...be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively”. Yet at the same time the application strongly expresses a preference to move to a market based system of contracts which would remove the basis of any such co-operation.	
Heavy reliance is placed by the applicants on “Energy from Waste” i.e. waste incineration, including residual waste and commercial and industrial wastes currently going to landfill with vague references to processing prior to burning. This has the potential to move waste down the Waste Hierarchy, against Government policy.	See appraisal
There is little or no discussion in the application of the actual consented recycling elements of the plant – especially the “mainstream” recycling elements of Anaerobic Digestion (AD) and Materials Recovery Facility (MRF). Indeed the application talks about burning vegetable waste instead of composting it via AD.	The application only relates to the constraints on importation with respect to SRF and paper and card. No changes are proposed with respect to the AD and MRF and thus there is necessity for the applicant to refer to these elements.
Any increase in geographical catchment will further increase the capacity of the plant.	No additional capacity is proposed the total waste capacity of the site and number of vehicle movements is limited by condition. Changes to the facilities total capacity and vehicle

	numbers would need to be subject of a separate application dealt with on its/their individual merits.
The applicant lists chemical wastes, medical wastes, discarded equipment and animal waste as potential types of incinerator fuel With this revision on the original application we now have potentially higher toxicities and hence possible consequences on local people and wildlife.	See appraisal
Braintree District residents have an excellent recycling performance with Braintree being in the top three in the Essex	See appraisal
Removing geographical restrictions means HGV drivers not familiar with area may try to access the facility using village roads.	The only permitted and accessible access to the site is via the A120 access. The legal agreement requires enforcement of the permitted routes to the site including banning offending HGV drivers.
A120 inadequate to cope with additional traffic	No additional traffic movements are proposed and movements are limited by condition.
The A120 is well known in the county to be both dangerous and over-capacity already. When the route is blocked many of the HGV's would detour down the country lanes, which all local road users know is very frequently the case.	See above in addition the facility is not accessible by HGV apart from the access on the A120.
The A120 may well be officially designated as a Trans European Network route but all local people, and I hope those considering this application, will be more than aware of its limitations and lack of ability to live up to its designation until dualled between Marks Tey and Braintree. The road simply cannot tolerate any increase in traffic.	No objection has been raised by the Highways Agency
An incinerator should not be sited in close proximity to local residents and in beautiful area used for recreation and valued area for wildlife.	The principle of the facility is already established, only changes to the source of SRF waste and paper and card are proposed
SRF is an environmentally damaging source of emissions and pollution. The source of further waste from distances will make the plan even more unsustainable and cause	See appraisal

even more pollution.	
The removal of Conditions 28 and 30 would be likely to have the effect of lengthening the distance travelled by waste to the Rivenhall facility resulting in a less efficient national network and a greater number of longer unnecessary road haulage journeys. It is argued by the sponsors of the amendment to the Planning Conditions that the location of the Rivenhall site close to the A120 is an advantage in terms of waste being transported to the site from outside the County and the region. But the A120 is insufficient to meet current demands as well as being dangerous and an accident black spot. There are no funded plans to improve it.	
The emphasis on burning waste would give fewer opportunities to recycle waste.	
The applicants state their intention is to develop a merchant facility with a focus on commercial and industrial wastes. This negates the development by ECC of waste transfer sites for bulking up municipal wastes for then sending on to treatment facilities – the stated aim being efficiency using larger vehicles. A merchant facility importing two of its main types of waste from anywhere will attract a wide range of vehicle types and sizes and with far less opportunity for good organisation of efficient use of vehicle capacity eg taking treated materials away in lorries that have brought in untreated waste. There could be pressure to increase the agreed cap on vehicle movements.	
It is understood the bridges on the haul road are not adequate to take all HGV traffic.	There bridges on the haul road are adequate to take HGV traffic, only abnormal size loads need to be managed to cross the bridges e.g. delivery of very heavy plant & machinery
Impact of the facility on Listed Buildings close to the site and in particular Woodhouse Farm	The proposals would have no additional impact on Listed Building. Woodhouse Farm is currently empty and would be refurbished and utilised as part of the proposals including creation of a Heritage room.