

committee DEVELOPMENT & REGULATION

date 24 October 2014

MINERALS AND WASTE DEVELOPMENT

Proposal: **Extension of time of 2 years to the period for commencement of development (condition 1) of planning permission granted by the Secretary of State Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE), allowing the date of commencement to be extend from 2 March 2015 to 2 March 2017. The planning permission 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 in accordance with application number ESS/37/08/BTE dated 26 August 2008 (as amended)**

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

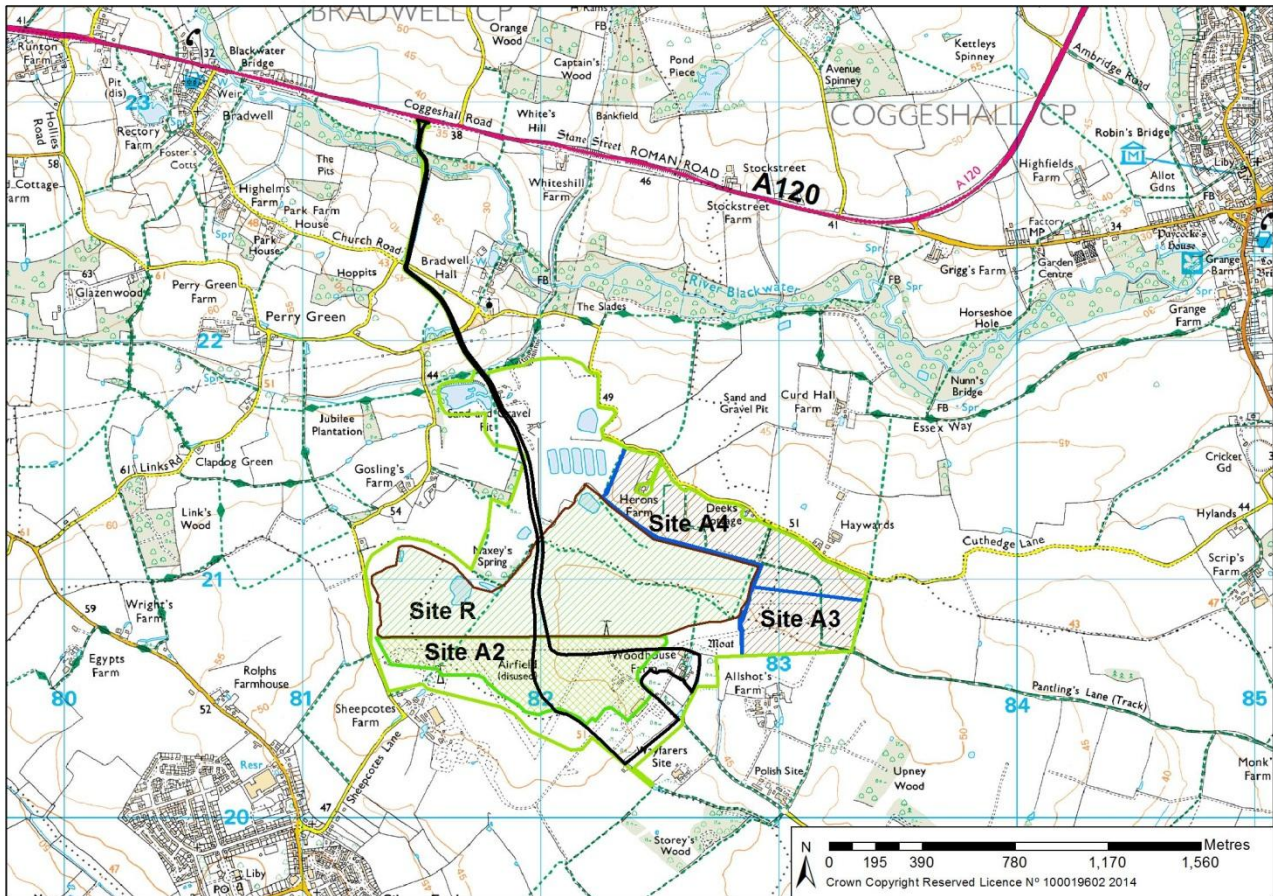
Ref: **ESS/41/14/BTE**

Applicant: **Gent Fairhead & Co Ltd**

Report by Director of Operations: Environment and Economy

Enquiries to: Claire Tomalin Tel: 03330 136821

The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

The planning application for the above development known as 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 to 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.

Condition 1 requires the development to commence before the expiration of 5 years from the date of the permission i.e. by 2 March 2015.

In June 2011 the applicant submitted details with respect to conditions 53 and 54 relating to an updated ecological report and Habitat Management Plan. The conditions were discharged, but due to the delay in implementation of the development a further ecological report would be required before commencement of development.

The planning permission has been the subject of two applications for Non Material Amendments (NMA). The first application NMA was made in August 2012 (ESS/37/08/BTE/NMA) sought to divide the development into 2 stages, this went beyond what the authority considered could be dealt with as an NMA and the application was subsequently withdrawn. A second NMA was made in September 2012 (ESS/37/08/BTE/NMA2). This sought to amend the wording of condition 2 (application details) to include a phrase normally included by the MPA as standard. The phrase makes it clear where other conditions of the permission or details are approved under conditions of the permission, are different to those set out in application details (controlled by condition 2) then those of the subsequent conditions prevail.

There had been a previous planning permission (ESS/37/06/BTE) for a waste management facility on the same site by the same applicant which was granted in February 2009, with this planning permission expiring in February 2014 (although the applicant had confirmed that there was no intention to implement this earlier permission).

The planning application for the IWMF included extraction of 415,000m³ (747,000 tonnes) of sand and gravel. In 2011 planning permission was granted for site A2 of the then emerging Minerals Local Plan. This planning permission (ESS/32/11/BTE) gave separate planning permission for working of the sand and gravel within the site of the IWMF as well as areas outside of the footprint of the IWMF. However, 100,000 tonnes of sand and gravel remains unworked within the south of the IWMF site located under an area of TPO Woodland.

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 proposed 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 Woodhouse Farm and its buildings and includes the 6ha area identified as a "preferred location for waste management" (WM1) in the WLP.

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 site for the IWMF site comprises areas of former mineral working currently permitted to be restored at low level. The IWMF site includes the Grade II Listed Woodhouse Farm buildings and areas of TPO woodland.

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 Sheepecotes Lane lies Sheepecotes 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 proposed 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 lane from the A120 to Church Road, then single lane with passing bays between Church Road and Ash Lane and then two lane 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 Sheepecotes 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.

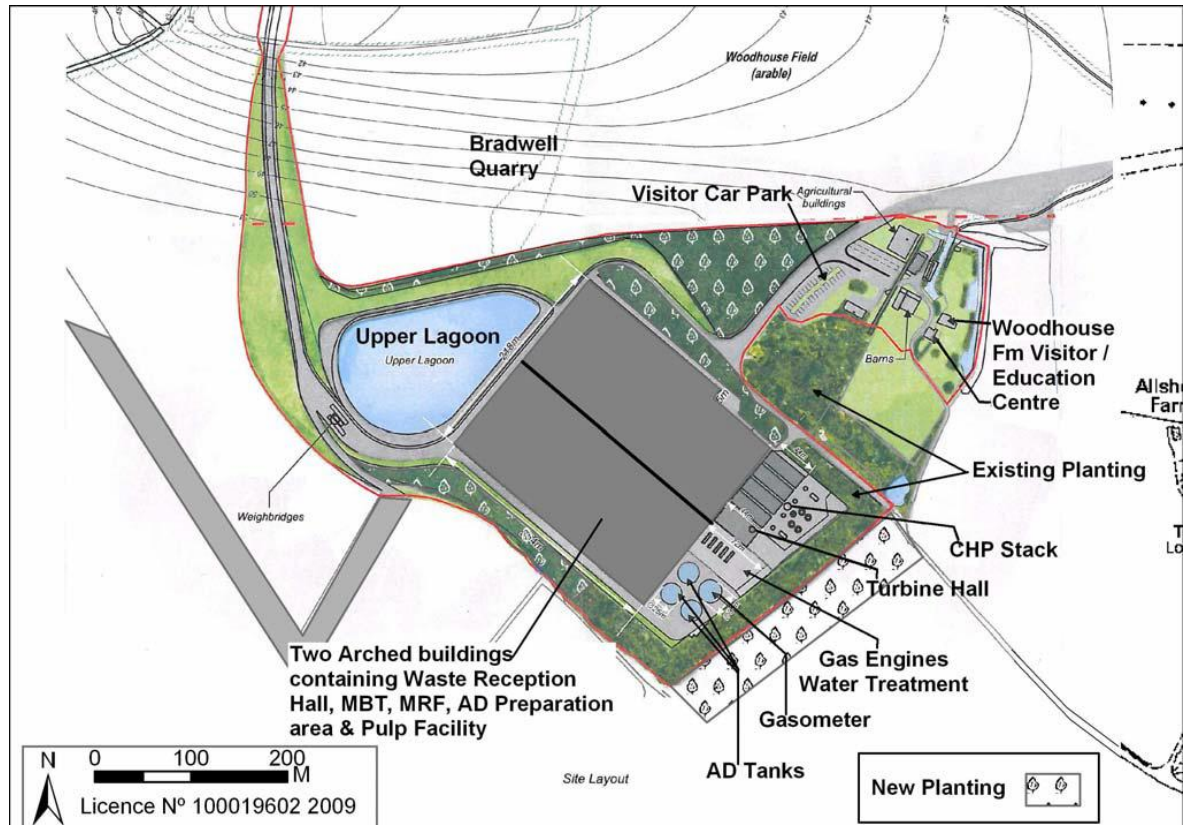
3. PROPOSAL

The application is to extend the time limit for implementation by 2 years, until 2

March 2017.

Application ref ESS/37/08/BTE was accompanied by an Environmental Statement. This application ref ESS/41/14/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 approved development.



The proposal is for an Integrated Waste Management Facility comprising the following elements

- Anaerobic Digestion (AD) plant;
- Materials Recovery Facility (MRF);
- Mechanical Biological Treatment (MBT) facility
- De-inking and pulping paper recycling facility to reclaim paper;
- Combined Heat and Power (CHP) Plant;
- Extraction of minerals and overburden;
- Visitor/Education Centre;
- Extension to existing access road;
- Provision of offices and vehicle parking;
- Associated engineering works and storage tanks.

The application site is a total area of 25.3 ha and area is made up of the following elements:

6ha (approximately) for the waste management facility including buildings and

structures

2.6ha for the redevelopment of Woodhouse Farm

11.9ha including the fresh water lagoon and proposed areas of landscaping

3.8ha for the construction of the extended haul road

1ha the existing haul road to the quarry to be utilised by the proposals.

The proposal is to provide an integrated waste management facility that would deal either with Municipal Solid Waste (MSW) and/or Commercial and Industrial (C & I) waste from within Essex and provide a waste paper processing facility for largely the East of England Region. The waste would be non-hazardous. By way of further explanation the constituent parts of the proposal are described in more detail in Appendix A.

4. POLICIES

The following policies of the Essex and Southend Waste Local Plan (WLP) adopted 2001, Mineral Local Plan (MLP) adopted 2014, the Braintree District Council Local Development Framework Core Strategy 2011 (BCS) and Braintree District Local Plan Review 2005 (BDLP) provide the development framework for this application. The following policies are of relevance to this application:

	<u>WLP</u>	<u>MLP</u>	<u>BCS</u>	<u>BDLP</u>
Waste strategy	W3A			
Receipt of Essex wastes only	W3C			
Flooding and surface water	W4A			
Surface & ground water	W4B			
Suitable access to regional route	W4C			
Composting within buildings	W7A			
Support for anaerobic digestion and composting	W7C			
Incineration of waste	W7G			
Preferred locations for waste management	W8A			
Siting, design, external appearance of buildings, landscaping and mitigation of adverse effects	W10B			
Development control criteria	W10E			
Hours of working	W10F			
Safeguarding/improvements to Rights of Way	W10G			
Preferred and reserve sites for sand and gravel extraction		P1		
Presumption in favour of sustainable development/ Sustainable development locations		S1		
Protecting and enhancing the environment and local amenity		S10		

Access and transportation	S11	
Mineral site restoration and afteruse	S12	
Development management criteria	DM1	
Planning conditions and legal agreements	DM2	
Primary processing plant	DM3	
Countryside		CS5
Promoting accessibility for all		CS6
Natural Environment and Biodiversity		CS8
Built and Historic Environment		CS9
Industrial & Environmental Standards		RLP 36
Pedestrian Networks		RLP 49
Transport Assessments		RLP 54
Pollution control		RLP 62
Air quality		RLP 63
Contaminated land		RLP 64
External Lighting		RLP 65
Water supply and land drainage		RLP 71
Water quality		RLP 72
Landscape Features and Habitats		RLP 80
Trees, Woodland, Grasslands and Hedgerows		RLP 81
Protected species		RLP 84
Rivers corridors		RLP 86
Protected Lanes		RLP 87
Layout and design of development		RLP 90
Alterations, extensions and changes of use to Listed Buildings and their settings		RLP 100
Archaeological Evaluation		RLP 105
Archaeological Excavation and Monitoring		RLP 106

The original application was determined against the Waste Local Plan 2001, Braintree District Local Plan 2005, but was also determined against the MLP 1996 now replaced by the MLP 2014 and PSS10 as published in 1999. Planning Policy Statement 10 Planning for Sustainable Waste Management (PPS10) was revised in March 2011

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. The NPPF combined and streamlined all planning policy except for waste, PPS10 (2011) continues to apply. Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management. All decisions must comply with the NPPF, while the NWMPE and PPS10 are material considerations 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, BCS and BLP. The consistency of WLP policies 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. This includes building the right number and types of houses, developing the appropriate type of retail and recreational facilities, getting the right office and industrial spaces, creating opportunities for local jobs and protecting our wildlife, landscapes and heritage. The new Local Plan will ultimately replace the BLP and BCS however at the current time it is not considered is at a sufficient stage to have significant weight in the determination of this application.

5. CONSULTATIONS

BRAINTREE DISTRICT COUNCIL – No objection. While BDC raised objection to original application, it does not consider there has been any material change in waste planning policy since the determination of the application. However, BDC

urge WPA to undertake a careful consideration and thorough testing of the key assumptions behind the needs case in light of any changes in provision treatment capacity and markets for pulped paper that have occurred in the last 4-5 years. Should the WPA be minded to grant planning permission it should be subject to all conditions previously imposed.

ENVIRONMENT AGENCY: No objection

HIGHWAYS AGENCY: No objection

DEPARTMENT OF LOCAL GOVERNMENT & COMMUNITIES (National Planning Casework Unit): No comments.

ESSEX WILDLIFE TRUST: No comments received

RSPB: No comments received

CPRE: No comments received

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

COUNTY COUNCIL'S NOISE, LIGHTING & AIR QUALITY CONSULTANTS: No objection subject to re-imposition of conditions of SoS decision.

PLACE SERVICES (Ecology): Object subject to further information. A Biodiversity Validation Checklist has been completed identifying the need for a mitigation plan. This document should be supplied and appended to this planning application
Comment: Objection withdrawn following submission of previous ecological mitigation details submitted in response to conditions of the IWMF and Bradwell Quarry permissions. In addition conditions would be re-imposed requiring updating of the mitigation if implementation is not undertaken within 12 months of the last updating report.

PLACE SERVICES (Trees): No objection

PLACE SERVICES (Landscape): No objection

PLACE SERVICES (Historic Environment): No objection subject to an additional condition. Woodhouse Farm and the ancillary buildings are listed buildings that are on the Buildings at Risk register and are buildings of historic value. Their conservation to new uses would ultimately result in the loss of historic fabric, the internal spatial configuration together with their working character. A condition is required securing the implementation of a programme of historic building recording in accordance with a written scheme of investigation in accordance with the NPPF.

BRADWELL PARISH COUNCIL: Object. The A120 is already congested and cannot take any more traffic, application surveys are more than 5 years old new survey should be undertaken in consultation with Highways Agency. Understand that the bridges cannot take heavy loads. These bridges were never subject of planning applications or Environment Agency authorisation and considered by Bradwell PC to be linked to problems of flooding in the village. If there are problems they should be subject to further works and replaced in necessary.

Comment: The bridges on the private haul road are adequate to take the loads necessary to construct and operate the IWMF, certain heavier loads require management to ensure the weight is spread evenly across the bridge(s), but this is an operational matter for the developer.

KELVEDON PARISH COUNCIL: Object for the following reason:

- Concerned that changes are proposed as part of the application
- Concerned that road infrastructure has not improved and in fact roads maintenance has reduced and thus infrastructure now worse than before.
- Concerned if A120 were closed that traffic would be directed through local villages
- Understand the markets for wastes have changed such there is no need for the facility.
- Details as to control of emissions remains vague and unclear how if type of waste changes that the controls would be appropriate.
- Still uncertainty over height of chimney.
- An extension of time would leave the community with a continued period of uncertainty.

SILVER END PARISH COUNCIL: Object on the following grounds:

- Permission has been in place for sometime and do not consider the development will ever take place
- Concerned that not all traffic would be via A120 as some traffic for quarry has been from the south.
- Understand there is an issue with bridges on the haul road.
- Support the views of Rivenhall Parish Council

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

- There has been a long period for implementation of this development, and certainty as to its development remains unclear.
- Also there is uncertainty as to the form of the development an application having been made and then withdrawn to develop the site in 2 stages.
- There have been various parties interested in developing the facility, but these have all not gone forward, leaving uncertainty as to whether the facility will ever be developed.
- The application implies there might be changes to the facility and that there is still a need for incineration.
- The granting of extraction within site A2 has facilitated the IWMF and should not have been granted.
- The application implies there would be waste coming from a greater

catchment than that set out in the original planning application and controlled by conditions of the planning permission. Importation of waste from further afield would be unsustainable.

- No clear need case has been put forward taking on board that other facilities have subsequently been submitted including Courtald Road MBT, Halstead AD, Great Blakenham, Ipswich – Energy from Waste
- Application implies incineration capacity could be extended
- The traffic impacts of the proposal should be reassessed in light of additional traffic on the A120
- Application wrongly states Rivenhall only facility capable of handling SRF arising from Courtald Road facility
- No Environmental Permit has been obtained from the EA and concern was raised that the permitted chimney height was inadequate to meet the requirements of the EA
- Concern that traffic would need to access from the south, particularly heavy loads due to weight constraints on the bridge crossing the River Blackwater
- Due to time delay consider new habitat, landscape and access surveys are undertaken, prior to determination.

COGGESHALL PARISH COUNCIL (adjacent): No comments received

FEERING PARISH COUNCIL (adjacent): Object.

- Consider changes have been made to the application including the height of the chimney which would have unacceptable landscape impact.
- Concerned that traffic A120 has increased and thus facility would cause further problems.
- Requests the authority consider whether it is environmentally friendly to transport waste over long distances to the site and whether the facility is necessary.

LOCAL MEMBER – BRAINTREE – Witham North: Request application considered at Committee for the following reasons:

- Long planning history of various waste developments, which have changed in nature and increased in scale.
- Concern that which to develop something different having sought application to develop site in 2 stages a few years ago.
- Application explains how there have been various attempts to find backers for the scheme that have not come to fruition. Extension of times leaves uncertainty for further 2 years as to whether the site will ever be developed.
- The granting of mineral extraction in site A2 an unallocated minerals site should not have been permitted as while the mineral could be extracted, this was only if the waste developed were to be commenced.
- The application documentation implies a greater catchment area than that permitted by the planning permission and a greater capacity for the CHP plant.
- The stack height remains uncertain, until an Environmental Permit application is made to the EA.

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

6. REPRESENTATIONS

2 properties were directly notified of the application. 16 letters of representation have been received. The details of the comments are set out in Appendix C. The main points are summarised below:

- An extension of time would give a further period of uncertainty as to whether the IWMF would ever be developed
- The A120 is already congested and the additional traffic would exacerbate this pre-existing problem
- Concern that the scale and nature of the development will change
- Concern that the catchment for the development will increase
- Do not consider there is the need for the facility in Essex, with improved recycling and development of other waste facilities.
- Concern that the chimney stack would be higher
- Concern that there has been no application to EA for Environmental Permit.

7. APPRAISAL

The key issues for consideration are:

- Justification for additional time to implement the planning permission
- Need for IWMF
- Environmental Impact & Impact on local amenity
- Highways
- Length of extension of time to commence development

A JUSTIFICATION FOR ADDITIONAL TIME TO IMPLEMENT THE PLANNING PERMISSION

The Communities and Local Government Guidance 'Greater Flexibility for Planning Permissions' was issued on 23 November 2009.

It sets out the procedure for applicants to use to apply to their local planning authority for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development.

The procedure is formally referred to as an extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission.

The procedure was introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.

Originally the provisions applied only to permissions which were granted on or before 1 October 2009. However, an additional 12 months was added via a statement made by the Secretary of State in September 2012. Since application Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) was granted on 2 March 2010 the applicant is entitled to apply for an extension of the implementation date.

The applicant has explained that it is still their intention to develop the IWMF. Various attempts have been made since the grant of planning permission with different partners to move the development forward, but due to the impacts of the recession the partners for various reasons have withdrawn from the project. The applicant has now refinanced and considers they are in a position to develop the IWMF. However there are number of conditions and obligations that must be satisfied prior to commencement of development and additional time is being sought to enable the project to be brought forward and allow enough time for consideration and determination of details required by condition and legal obligation prior to commencement of development.

The guidance issued in November 2009, does refer to EIA development, such that it was envisaged that large scale development that was previously supported by Environmental Statement might be subject of extension of time for commencement. The need for a further EIA was considered and a Screening Opinion issued not requiring a further EIA although some updating information has been provided by the applicant. It was considered there had been no material change in policy or other material considerations, such that the proposal was likely to give rise to any different significant environmental effects as those considered in the determination of the application that would warrant a further EIA.

It is considered that the guidance was introduced to allow a longer period for implementation of development that had not come forward because of the recession and that the proposed development is such a project. There are a number of conditions and obligations which require discharge prior to the implementation. The nature of the detail required by these conditions is likely to require consultation and some of the details are likely to be relevant to the Environmental Permit required from the Environment Agency, such that their discharge is not a formality and could take several weeks if not months to determine. The applicant has stated it is their intention to commence development before 2 March 2015 and has recently held the first meeting of the Liaison Committee which is required to be formed at least 6 months before the commencement of development. It has also been stated that submissions required by conditions and obligations are likely to be forthcoming in the next few months.

It is therefore considered that there is justification for an extension of the commencement of the development subject to the proposals still being in

conformity with current policy and not giving rise to an unacceptable adverse impact.

B NEED FOR THE IWMF

The main policy changes since the grant of permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) are considered to be:

- The introduction of the National Planning Policy Framework (March 2012), which has superseded Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 7: Sustainable Development in Rural Areas
- CLG EU Waste Technical Guidance Note (Dec 2012)
- National Waste Management Plan for England (NWMPE) December 2013
- The revision of PPS10 in March 2011. In light of the NWMPE a consultation draft PPPS10 was published in July 2013, but a final version has not been published,
- The abolition of the Regional Spatial Strategy (RSS) - East of England Plan,
- The abolition of the Essex & Southend Structure Plan
- The adoption of the Minerals Local Plan
- The emerging Essex & Southend Waste Local Plan – Preferred Approach 2011
- Adoption of the Braintree District Core Strategy

The main policy implications arising from the new and emerging national planning policy and guidance are:

- Presumption in favour of sustainable development, the need to consider the three dimensions of sustainable development, Economic, Social and Environmental with an emphasis on growth.
- Duty to co-operate, with the abolition of the RSS Waste Planning Authorities must engage with adjacent authorities recognising the cross boundary movement of waste.
- Seeing waste as a resource to contribute to renewable energy solutions, climate change and carbon change.

The implications of these changes are discussed further in the sections below.

The need for the IWMF was considered by the SoS and it was stated in the SoS decision letter dated 2 March 2010 that “He agrees that the proposal would help to deliver sustainable development by driving waste management up the waste hierarchy, and contribute towards ensuring the timely provision of sufficient waste management facilities to meet the needs of the community. He also agrees that it would help to reduce carbon emissions and would have benefits in terms of climate change.”

Concern has been raised by several consultees that the supporting application indicates that the proposals are changing; extending the catchment from which

waste might be sought and the capacity of the various treatment elements of the proposal. The current application is only for a change to condition 1 an extension of the commencement period by 2 years. All other conditions would remain unchanged, including those that control the scale and catchment for the IWMF. Any changes to the scale and catchment of the facility would need to be the subject of separate applications and would have to be considered on their individual merits against current planning policy and guidance

The principle of the waste hierarchy and seeing waste as a resource has been reinforced and re-emphasised by National planning policy since the Public Inquiry in 2009, namely within the NWMPE, the revised PPS10 March 2011 which sought to take on board the requirements of EU Waste Directives. PPS10 was updated in March 2011 but continues to have the objective of sustainable waste management in accordance with the waste hierarchy, namely waste management in the following order: prevention; preparing for re-use; recycling; other recover (including energy from waste); and disposal. The IWMF includes a Materials Recycling Facility as the last opportunity to recover recyclables from the waste stream. The IWMF includes Anaerobic Digestion (for food and green waste) and a Mechanical Biological Treatment facility to produce a residue suitable for use in Combined Heat and Power; these treatments are considered "other recovery". The emerging PPS10 (Consultation draft) July 2013 continues to have the objective of sustainable waste management in accordance with the waste hierarchy and in addition places particular emphasis on the desire for Energy from Waste plants to be Combined Heat and Power, using the heat directly which is more efficient. The proposed IWMF includes a CHP plant utilising the heat and steam in the paper pulp plant. The paper pulp plant facility would take paper recovered from the waste stream and would utilise it to create recycle pulp that can then be used in paper manufacture.

In terms of local waste policy, the Waste Local Plan 2001 saved policies remain the adopted policies for waste in Essex and Southend and the IWMF was considered by the SoS to be largely in conformity with the Waste Local Plan.

Work has commenced on a new replacement waste local plan and a Preferred Approach document was produced in 2011. In light of the various changes in waste policy and guidance highlighted previously, it has been decided to produce a new Preferred Approach stage. Within the 2011 Preferred Approach the IMWF was safeguarded as a preferred site with dual allocation status as "safeguarded Permitted IWMF sites (within Preferred Approach 4) and Preferred Site Allocations for IWMF (within Preferred Approach 5).

The Preferred Approach 2011 recognised that there are 3 permissions for major waste management facilities, one being the IWMF at Rivenhall. The second is at Courtauld Road, with a sorting facility and MBT which has been implemented and will once commissioned (likely Oct/Nov 2014) largely deal with Municipal Solid Waste required to be managed by ECC as Waste Disposal Authority. The Courtauld Road facility will produce a residue which would require either to be used for energy recovery or landfilled, whilst the initial contract for this residue would probably see it utilised overseas, there is in the future potential for the residue to be utilised at the Rivenhall facility as fuel in the CHP plant, but this

would be dependent on contracts. The other facility at Stanway Colchester has planning permission for a major waste facility including MBT and landfilling of the residue; the planning permission has not been implemented and expires in May 2015. A planning application at the same site has been resolved to be granted that would see the site utilised for inert waste disposal. However, there is still potential for an extension of the commencement period to be made with respect to MBT/landfill permission, but this would require changes to vary the restoration scheme, but this is uncertain.

As part of the evidence base for the replacement Waste Local Plan, Capacity Gap reports have been produced, both in 2013 and 2014. It should be emphasised that little weight can be attributed to these documents as they have not been tested at EiP.

Assuming all three major waste management facilities were implemented it was noted in the WGR for 2013 that there was still a need for additional treatment and recovery capacity within Essex & Southend. The CGR 2014 has assessed the C & I waste arisings to be managed and in light of best practice have used different estimating calculations for waste arisings into the future to those within the CGR 2013 and has concluded that if all 3 facilities were to be implemented there would be excess capacity. However as stated above it is uncertain the Stanway facility will be developed. In addition the WCG report 2014 recognises that the data with respect to C & I waste is not robust and thus the WPA is commissioning consultants to try and provide more robust data on which to base an assessment of need for the next Waste Local Plan Preferred Approach, such that arisings used in the CGR could be an over or under estimate of the true position.

As explained only very limited weight can be given to Waste Local Plan Preferred Approach and its evidence namely the waste CGRs, as the plan is at such an early stage.

Braintree District Council have not objected but asked for consideration to be given to the need for paper pulp facility. Since the determination of the original application in 2010, a de-ink paper pulp facility and paper mill have been developed at Kings Lynn. However these paper pulp facilities mainly deal with the recycling of newsprint paper and manufacture of new newsprint paper. The facility at Rivenhall is proposed to deal with recycling of higher grade paper with the intention to manufacture paper pulp for use in high grade paper not newsprint, such that it would not be in direct competition with the Kings Lynn facility. The Sittingbourne facility has had some changes to its production since 2012 and does have some capacity to produce high grade recycled paper, but the applicant considered there is still demand for high grade pulp within the country and development of the facility would encourage recycling and separation of higher grade papers to the de-ink pulp facility and that there is a demand for manufactured high grade pulp board.

In light of the current national waste planning policy and guidance the principle of pushing waste up the hierarchy remains an important factor in determination of waste planning applications and the where possible to see waste as resource to provide energy. In both instances the Rivenhall proposals meet with these

objectives. In addition emerging evidence within the emerging replacement Waste Local Plan would indicate that there is still a need for the capacity provided by the Rivenhall facility to treat C & I waste, particularly as it increasingly uncertain the Stanway facility will come forward.

The application does refer to waste coming from further afield than Essex & Southend, however planning conditions (conditions 27, 28 & 30) of the existing planning permission control the source of waste, such that waste MSW or C & I (except waste paper) shall come from Essex & Southend, SRF from Essex & Southend, also from East Of England (as defined by the now abolished RSS) subject to certain constraints, while the source of waste paper is controlled such that no more 50% may arise from outside of the East of England region. Any changes to these conditions would require to be subject of a planning application and would have to be considered on its individual merits against current planning policy and guidance at that time.

The Waste Planning Authority does have a “duty to co-operate” as introduced by the Localism Act 2011 and as part of this has to recognise the cross county movement of waste. In addition it has to be recognised that with the abolition of the RSS the requirement for regional and sub-regional self-sufficiency has been replaced by the duty-to cooperate and PSS10 advocates that waste should be disposed of at one of the nearest appropriate installations.

The IWMF would provide a local facility for management of C & I waste arising within Essex for which there is a need indicated by the recent WCG reports. The facility would also provide a facility in the East of England for recycling of high grade paper. The facility is the only permitted energy from waste plant in the County and could utilise SRF from the Courtauld Road facility but as said this would be dependent on contracts.

With respect to existing Essex & Southend Waste Local Plan 2001 the Rivenhall site includes in part a preferred site for major waste management as defined in WLP policy W8A. Other sites for major waste management facilities have either been withdraw for use for such purposes or are subject of planning permission which prevents their development for major waste management facilities.

With respect to MLP 2014, there remains 100,000 tonnes of mineral permitted to be extracted; this permitted reserve is included with the minerals Landbank for Essex and thus is protected by Policy P1. The removal of material is necessary to facilitate the lowering of the facility into the ground to minimise its visual and landscape impact. The development of the IWMF would result in the loss an area of TPO woodland to enable this remaining extraction, but mitigation including additional areas of woodland are proposed as part of the development and areas of additional woodland have already been provided in the area as part of the mineral developments. It is therefore considered the mineral extraction is in accordance with MLP policy P1 and DM1.

It is therefore considered both in terms of national, particularly PPS10 and local policy the Rivenhall facility is in conformity and there are no grounds on need to withhold permission for a further period of implementation. However it is

necessary to consider whether there have been any other materials considerations or changes such that the environmental impact of the proposals would be different to those considered as part of the determination of the original application and what period of extension is appropriate.

C ENVIRONMENTAL IMPACT & IMPACT ON LOCAL AMENITY

With publication of the NPPF and the National Planning Policy Guidance (NPG), much of the planning guidance (except waste) against which the planning application was considered has been superseded by these documents. In addition certain policies of the Braintree Local Plan 2005 have been superseded by the Braintree Core Strategy 2011. However the objectives have not materially changed and are embodied in the new policy and guidance, such that it is considered the consideration of environmental and amenity issues would not change.

Cumulative impact is a factor to be considered as part of an EIA. There have been two applications for mineral extraction at Bradwell Quarry since the determination of the IWMF planning, site A2 (ESS/32/11/BTE) which includes the IWMF site as well as extraction in land to the east and west of the IWMF and there is a resolution to grant planning permission for extraction in land north east of the IWMF sites A3 and A4 (ESS/24/14/BTE). Both of these applications have been supported by EIAs and have considered the cumulative impact of their operation at the same time as the construction and operation of the IWMF. In both instances subject to mitigation controlled through conditions and legal obligations there have been no unacceptable adverse environmental effects. There have been no other material changes that would significantly change the environmental effects arising from the development from the delay in the development of the IWMF.

The County's Ecologist with respect to this application did raise concern that the application relied upon mitigation provided as part documents discharged as part of the original IWMF planning permission and documentation submitted with the subsequent mineral applications, without their submission with the application. These have subsequently been submitted and the County Ecologist has now satisfied that the mitigation is adequate. The conditions relating to ecology would be updated to reflect the submission of previously approved details, but still require updating information if the reports became out of date.

The County's Historic advisor has commented that while the repair and re-use of the Listed Woddhouse Farm and buildings is secured through legal obligations, there is no requirement for prior recording of the historic features of the buildings. The need for a Heritage Statement was introduced by PPS5 in 2010 which has subsequently been superseded by para 128 of the NPPF. An additional condition has therefore been requested such that prior to any works/conversion to the buildings a record shall be made of the historic features of the building. This is separate to a Listed Buildings consent that would also be required prior to any works to the Listed Buildings.

Concern has been raised by local residents as to the impact of the proposals from, noise, dust, light and emissions. These factors were considered as part of the

original application and no changes are proposed to the operation of the IWMMF as part of this application and it is concluded that subject to the mitigation proposed as part of the original and current application and secured through conditions and obligations there would be no unacceptable adverse impact on amenity. A review of environmental legislation and guidance particularly with respect to matters considered by the original EIA by the applicant has concluded that there have been no material changes to the criteria against which the original assessment was undertaken. Thus the original conclusions that the IWMMF would not give rise to unacceptable adverse impact are still sound.

Concern has been raised with respect to the height of the chimney, that the proposed 35m height would be inadequate. The acceptability of the stack height will be a matter considered by the Environment Agency as part of the consideration of the Environmental Permit. It is acknowledged that energy from waste facilities have been permitted with higher stacks; however stack height is only one factor in ensuring the dispersion rates are satisfactorily met. If the stack height was found to be inadequate any increase in the stack height would require a planning application, with consultation in accordance with the SCI, and the application would have to be considered on its individual merits.

It is considered that other than the need for a Heritage Statement there have been no significant changes in policy and guidance or material changes that mean the assessments with respect to environmental impact and impact upon local amenity are not still sound, and that subject to re-imposition of all those conditions and obligations attached to the original consent, the imposition of a condition for historic recording and compliance with the ecological mitigation as set out in the additional documents submitted, there is no justification to withhold permission on environmental or local amenity issues.

D HIGHWAYS

Concern has been raised by Parish Councils and local residents about the impact of the additional traffic that would arise from the development. The IWMMF was considered in the knowledge that Bradwell Quarry was likely to still be operating at the same time as the IWMMF and it was concluded that the proposals would not give rise to highway safety and capacity issues both in terms of the A120 and the local highway network, namely the crossing points across the Church Road and Ash Lane. Since determination of the IWMMF there have been subsequent highways assessments as part of the EIAs for extensions at Bradwell Quarry; site A2 in 2011 and this year (2014) for site A3 and A4. The Highway Agency and Highway Authority were consulted on both scope of the EIAs and the applications and account was taken in these minerals application of the potential for the development of the IWMMF at the time as the mineral development. The Highway Agency was satisfied with the submitted information and has raised no objection to both of these minerals applications on highway and safety grounds in the knowledge the IWMMF permission could still be implemented. The Highway Agency and Highway Authority have raised no objection to the current application and the conditions and obligations with respect to highways would be re-imposed.

Therefore there are no grounds for refusal of planning permission on highway

grounds and the application is in accordance with WLP policy W4C.

E LENGTH OF EXTENSION OF TIME TO COMMENCE DEVELOPMENT

The planning permission was granted such that development was required to commence within 5 years of development. Government guidance currently recommends that development should be granted requiring a 3 year period for commencement. It has historically been recognised that large scale development such as mineral and extraction and development of waste management facilities do require a longer lead in period such that 5 years is seen as an acceptable period for implementation. The current application would see the period for commencement extended to 7 years. It is acknowledged that the recession has delayed project requiring significant finance as that proposed, but it must be acknowledged that an extended period for implementation had already been allowed.

As to whether this is the right facility, in the right place, at the right time it is considered that the development continues to conform with the extant Waste Local Plan policy. The replacement WLP should be given no weight as it is not at a stage to provide analysis of the need for the facility and based on the current anticipated timetable of pre-submission draft in February 2016, Examination in Public in July 2016 and adoption in December 2016 (assuming no slippage), the WLP will not be available to allow timely determination of this application.

Views have been expressed by local residents and councils that the delay in implementation is more a response to the lack of need for the facility rather than the economic downturn. It is acknowledged that at the time of the Public Inquiry there was a need for a facility to treat Municipal Solid Waste, which has subsequently been met by a facility at Courtauld Road, shortly to commence operation. However there is no substantiated evidence to demonstrate that there is no need for the facility. The applicant has stated that they now have the finance and it is their intention to develop the IWMF in the near future. While applications to discharge conditions and obligations have not been made as yet it is understood that submissions are imminent. It is acknowledged that the application to the EA for an Environmental Permit may have a bearing on some of the details of the submission for conditions, taking these factors into account; it does seem likely that implementation might be delayed beyond March 2015. However, it is not considered that such delays are likely to stall the project for a further two years. A two year extension (to March 2017) would also take the commencement date beyond the anticipated adoption date for the replacement waste local plan (December 2016) which would have further considered the need and likelihood for implementation of the IWMF.

The legislation to allow extensions of time for commencement was to allow planning permissions not to expire while the recession was still occurring. Government advice is that the recession finished in May 2014 (UK gross domestic product GDP back to pre 2008 levels), such that the applicant has only had 10 months post recession to bring the development forward.

Overall taking the above factors into account, it is considered that while a further

period is justified to bring implementation of such a large and complex project, which requires significant finance and the need for other permits, it is not considered that an additional 2 years is justified. It is considered a more appropriate period would be 1 year as this would allow 22 months after the recession for the project to be implemented and would allow the permission to remain live during the emergence of the Waste Local Plan. If the development has not been implemented by March 2016, then there would be considerable uncertainty as to whether the facility is needed or viable.

It should be noted that unless new legislation is introduced, if planning permission was granted for an extension of time for commencement until March 2016 no further extension of time for commencement of development could be made. However, the applicant does have the right of appeal against the reduction of the in the extension period for commencement of the development.

8. CONCLUSION

While there have been changes in policy since determination of the application namely the publication of the NPPF, NPPG, NWMPE and an updating of PSS10, the objectives of these documents remains that of sustainable management of waste in accordance with the waste hierarchy without giving rise to unacceptable adverse impact on the environment and local amenity.

The IWMF provides an integrated facility with opportunity to recover recyclables prior to recovery thus facilitating sustainable waste management in accordance with PSS10 (2011) and the CHP element is in line with emerging objectives of the revised PPS10 consultation draft (29 July 2013). It would provide a management facility for C & I waste arising in Essex & Southend as indicated in the recent CGP reports and has potential to provide a facility to utilise SRF from the Courtauld Road facility, subject to contracts. It is therefore considered to be in conformity with WLP policies W3A, W3C, W7A, W7G and W8A and MLP policy S8.

As defined with the National Planning Policy Framework there are however three dimensions to sustainable development: economic, social and environment. Whilst the aforementioned is a benefit in an environmental role (in pushing waste management up the hierarchy) there are a number of other considerations within the environmental role and the economic and social roles that are applicable to this application.

The facility would create new employment areas and it would be likely to support other local businesses bringing and economic activity to the area. However, from a social and environmental perspective it is accepted that that such uses do have the potential to give rise to amenity impacts. There are no changes to the operation of the IWMF as part of the application and even taking into account changes in local and national policy with respect to environmental and local amenity issues, subject to the re-imposition of the SoS conditions, and new conditions as outlined earlier (with respect to ecology and historic recording) and a deed of variation to ensure the original legal obligations remain extant, it is considered there would be no unacceptable adverse impacts that would warrant refusal of planning permission. The proposal is therefore considered to be in accordance with MLP

policies S10, S11, S12, DM1 and DM3, WLP policies W4A, W4B, W4C, W10B, W10E, W10F and W10G, BCS policies CS5, CS6, CS8 and CS9 and BDLP policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106.

The application was for a two year extension to the commencement of development. While it is considered that the recession has likely delayed the taking forward of the project, in light of the Government view that the recession ceased in May 2014, it is considered that an additional year would be adequate to ensure all those prior to commencement condition and obligations and other permits, namely the Environmental Permit from the EA required prior to commencement could be secured by 2 March 2016 i.e. over the next 16 months and that a 2 year period has not been justified. In addition a 2 year extension would take the life of the permission beyond the anticipated adoption of the replacement Waste Local Plan.

9. RECOMMENDED

That planning permission be **granted** subject:

- 1) The conditions as imposed by the Secretary of State with respect to Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE), subject to the following changes
 - a) Amendment of condition 1 to allow implementation within 1 year of the 2 March 2015
 - b) Incorporation of the amendments to condition 2 approved under the non material amendment ref ESS/37/08/BTE/NMA2)
 - c) Addition of a condition with respect to the requirement of historic recording of Woodhouse Farm and buildings prior to any works to these buildings and updating and amending conditions with respect to ecology.

The full wording of conditions is set out in Appendix C

- 2) 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)

BACKGROUND PAPERS

Consultation replies
Representations

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.

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 760,000m³ of Boulder Clay, 415,000m³ of sand and gravel and 314,000m³ 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 m² 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

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

	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 IWMP 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 IWMP 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.

CONSIDERATION OF WLP POLICIES

REF:	POLICY	CONSISTENCY WITH THE NPPF AND PPS10
W3A	<p>The WPAs will:</p> <p>In determining planning applications and in all consideration of waste management, proposals have regard to the following principles:</p> <ul style="list-style-type: none"> • Consistency with the goals and principles of sustainable development; • Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location; • Whether the proposal would conflict with other options further up the waste hierarchy; • Conformity with the proximity principle. <p>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.</p> <p>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 Essex and Southend waste management needs as defined in policies W3B and W3C.</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>PPS 10 supersedes 'BPEO'.</p> <p>PPS 10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS 10</p>
W3C	<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)</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities,</p>

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	<p>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 proposal 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"> • Where the proposal would achieve other benefits that would outweigh any harm caused; • Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5; • In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration. 	<p>prepare and deliver planning strategies one of which is to help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS 10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and it's source the policy is considered consistent with the requirements of PPS 10</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> • There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water; • There would not be an adverse effect on the water environment as a result of surface water run-off; • Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance. 	<p>Paragraph 99 of the Framework states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS 10 highlights at section a. protection of water resources that 'Considerations will include the proximity of vulnerable surface and</p>

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		<p>groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care’.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS 10 and the Framework.</p>
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> 1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority. 2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council’s highway standards. 3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate 	<p>Paragraph 21 (i) of PPS 10 highlights that when assessing the suitability of development 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.</p> <p>Furthermore, Paragraph 34 of the Framework states that ‘Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.</p> <p>Policy W4C is in conformity with Paragraph 34 in that it seeks to locate development within areas that can accommodate the level of</p>

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	<p>and there would be no undue impact on road safety or the environment.</p> <p>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</p>	<p>traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the Framework and PPS 10.</p>
W7C	<p>The WPAs will seek to work with WDAs/WCAs to provide and support composting schemes and anaerobic digestion facilities as a method of treating putrescible waste materials and with the aim of producing a soil improver or growing medium and, where possible, recovering energy. Proposals for anaerobic digestion facilities will be supported at the following locations:</p> <ul style="list-style-type: none"> • the waste management locations identified in schedule 1 (subject to policy W8A); • other locations, subject to policies W8A and W8C • in association with other waste management development; • in association with sewage treatment works and intensive livestock units; • as part of district heating schemes; provided the development complies with all other relevant policies of this plan. 	<p>See explanation notes for Policy W3C and W8A as these are relevant and demonstrate conformity with the Framework and PPS 10.</p>
W7G	<p>Proposals for incineration of waste may be permitted at the locations identified in schedule 1 (subject to compliance with the requirements of policy W8A) or at other locations (subject to the requirements of policy W8B), provided the following requirements are also met:</p> <ul style="list-style-type: none"> • incineration without energy recovery will not be permitted except in specialised cases • emissions to air and water from the process will not materially endanger human health or harm the environment. In deciding whether this requirement is met, the WPAs will assume that the necessary controls are exercised under environmental protection legislation and that the pollution 	<p>W7G is considered to be in conformity with PPS10 as it seeks to drive waste up the hierarchy and seeks to require energy from waste.</p> <p>See explanation notes for Policy W3C and W8A as these are relevant and demonstrate conformity with the Framework and PPS 10.</p> <p>PPS 10 supersedes 'BPEO'</p>

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	<p>control regime operates effectively, and will take into account whether the process proposed is the best practicable environmental option (BPEO) for the particular waste stream</p> <ul style="list-style-type: none"> • in considering the application of BPEO, there will be a presumption against incineration until the targets agreed for household waste recycling by the local authorities have been tested • provision is made for the recycling or other management of all residues, including the means of disposal to landfill where that is the BPEO. 	<p>PPS 10 supersedes 'BPEO'</p> <p>PPS 10 supersedes 'BPEO'</p>
W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> • There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C); • The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy; • The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed; • Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable; • Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and • Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of 	<p>PPS 10 at Paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> – allocate sites to support the pattern of waste management facilities set out in the RSS in accordance with the broad locations identified in the RSS; and, – allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS. <p>The WPA has identified strategic sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced strategic waste management facilities. PPS 10 requires that needs for sustainable waste management are met and those identified by the</p>

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	waste which would not otherwise be obtained.	JMWMS supersede those municipal waste management needs identified in the Waste Local Plan. PPS 10 requires that sites and areas suitable for new or enhanced waste management facilities for the waste management needs of the area is assessed. In this respect more weight should be applied to PPS 10 in respect of meeting waste management needs than Policy W8A.
W10B	For all proposals for waste management facilities the WPA will require the submission of a full planning application which should include the siting, design and external appearance of buildings, plant, equipment and storage facilities, landscaping and suitable measures to mitigate and control unacceptable adverse effects, including noise and artificial lighting.	Policy W10B is in conformity with the Framework in that the policy is concerned with good quality design and thus the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> 1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account); 2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations; 3. The impact of road traffic generated by the development on 	Policy W10E is in conformity with the Framework in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.

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	<p>the highway network (see also policy W4C);</p> <ol style="list-style-type: none"> 4. The availability of different transport modes; 5. The loss of land of agricultural grades 1, 2 or 3a; 6. The effect of the development on historic and archaeological sites; 7. The availability of adequate water supplies and the effect of the development on land drainage; 8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and 9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt. 	
W10F	Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.	<p>Paragraph 123 of the Framework states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including by conditions. Furthermore, paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity, while seeking to impose conditions to minimise this adverse effects, policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS10 and conditions.</p>
W10G	Applications for waste management facilities should include measures to	Paragraph 75 requires planning policies to protect and enhance

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	safeguard and where practicable to improve the rights of way network, which shall be implemented prior to any development affecting public rights of way commencing.	<p>public rights of way and access. As such, opportunities for improvement and incorporation of better facilities for users should be sought.</p> <p>It is therefore considered that Policy W10G which seeks to safeguard and improve the Public Rights of Way network is in conformity with the requirements of the Framework.</p>

Summary of representations

Observation	Comment
Planning approval has progressed from stipulation that 'no buildings should be larger than former WW2 hanger' to proposal for one of the largest waste sites in Europe.	The acceptability of the scale of the proposal was established as part of the consideration of the original application. No changes are proposed as part of this application
History of approved schemes not being developed	Each application has to be considered on its individual merits
RCF was granted with a condition excluding burning of waste. eRCF application quickly followed with increased thermal capacity (incineration) and increased catchment.	The acceptability of CHP was established as part of the consideration of the original application
eRCF could have been built before recession hit.	The recession had started before planning permission was granted.
Application for 2 year extension provides no evidence that waste plant will be built in that period; documents detail failed attempts to secure agreements to proceed and do not justify increased need for waste incineration.	The legislation to allow an extended period for commencement of development was introduced to allow permissions to remain "live" for longer which had been delayed due to the economic recession
Proposed catchment and expansion and trade with the continent unsustainable as 100% of waste will be carried by road through Essex.	The application is for an extension of time only
Documents imply that incineration capacity could increase.	The acceptability of the scale of the proposal was established as part of the consideration of the original application. No changes are proposed as part of this application
Even if the capacity is to stay the same, traffic on the A120 has got heavier since the eRCF application was submitted and crashes happen all too often.	See Appraisal
Highways should be asked to review the application for a time extension; up to 404 HGV movements per day would use the A120 near Bradwell.	See Appraisal
Rivenhall is not the only site capable of burning the residues from Basildon MBT (under construction); ECC has agreed to go out to contract to take Basildon outputs for burning to fill time-gap between Basildon coming on stream and Rivenhall being completed.	The use of Rivenhall for use of residue from Courtauld Road facility would be dependent on contracts
TPO woodland would have to be destroyed and the minerals beneath quarried. The void would need to be secured with huge retaining walls. All conditions and legal requirements would need to be completed. The plant would then need to be built – potentially not by one contractor. Only when fully operational could it take Basildon outputs.	The elements described form part of the already permitted proposals and are controlled by conditions
Inquiry findings on the incinerator emissions inconclusive as EA would not comment on proposed stack height, but that no incinerator had been licenced in the UK with a chimney height of 35m for many years and that in 2009 typical stacks were 70m or more.	The IWMF would need to obtain an Environmental Permit from the EA. If the stack was found to be too short any increase in height would need to be subject of a further application.
Applicant has confirmed that in last 5 years no application has been made for an EA licence; contributes to uncertainty re development and stack height.	An environmental Permit application requires the developer to know the exact nature/manufacturer of the plant. It is known that pre-application discussions have been held with the EA.
Separate planning consent for stack higher than 35m	Any application for an increased stack height

would be of significant public interest due to the location of the site in open countryside.	would be subject to full consultation in accordance with the SCI
Applicant also proposes expansion of the range of materials incinerated, which could affect the assessment of the pollutants emitted.	No changes are proposed to the nature of the waste.
Object on the grounds of adverse effects on local residents.	See Appraisal
Environmental pollution; noise, light and tall chimney stack billowing smoke	See Appraisal
Health effects of toxins emitted from the plant	See Appraisal
Concerns for public safety due to frequency and movements of heavy lorries	See Appraisal
Cumulative effects of proposed development and Bradwell Quarry	See Appraisal
Local road infrastructure is inadequate; concerns local lanes used by pedestrians and cyclists will be used as rat-runs	See Appraisal
Blighting and devaluation of property values in the vicinity of the plant	Not a planning issue
Query economic viability of plant and concerns waste from outside ECC will be required	The catchment of the facility is controlled by condition, any change would need to be subject of a further planning application
Non-compliance Braintree Local Plan	See Appraisal
Public opinion that plant not wanted or needed; more suited to the Thames estuary	See Appraisal
Contravention of Article 8 of the European Convention of Human Rights	The application was subject of consultation in accordance with the SCI
Developers are now rethinking their options and need to keep current ones open; inconsiderate and demonstrates contempt towards the people affected	See Appraisal
Unreasonable and self-serving for ECC to place additional uncertainty on the people affected by the development by granting extension by two years	Central Government legislation provides opportunity to extend the period of commencement. ECC Waste Management have contracted MSW to be taken to the Courtauld Road facility.
Fresh planning application required to demonstrate commercial contracts and sustainability	See Appraisal
Originally objected to the size of project and the height of the chimney necessary to make pollutants safe; now no reason to extend project	Only an extension of the commencement period is proposed
Further delay would affect viability of the plant as local councils in particular "up their game" on recycling. Rivenhall will need material that is now being recycled.	Waste collection authorities control where kerbside collected recyclables are reprocessed. Municipal solid waste is shortly to be dealt with at Courtauld Road which includes a Material Recycling Facility.
Applicant has had sufficient time to commence development	See Appraisal
Proposal would affect Grade II listed buildings; Woodhouse Farm and a pump.	Impact upon the setting of the Listed Building was considered as part of consideration of the original application
Proposal does not conform to Braintree District Council Core Strategy 2011 and Local Plan Review 2005	Waste proposals have to be considered against National and Local waste planning policy as well as the District Local Plan
Proposal would affect many local footpaths and generate significant traffic during construction and operation	Impact upon public rights of way was considered as part of consideration of the original application
There are considerable changes to the materials and processes from the original planning approval; now even harder to justify proposal as recycling has	Only an extension of the commencement period is proposed

increased significantly.	
Any increase in the height of the chimney will be a constant eyesore in what is otherwise a rural/farming environment.	No change to the height of the chimney as proposed as part of the application
Incinerators should be situated where there is an existing infrastructure to deal with the vehicle movements and provide nil inconvenience to neighbouring residential areas. The ideal position for new incineration plants should be on existing landfill sites with existing infrastructure to deal with the vehicle movements, existing workforce, and would not create a Nuisance to neighbouring residential areas.	The principle of a waste facility in this location has been previously established.
Road network at Rivenhall cannot cope with an additional 400plus HGVs per day. A120 will have to be widened and dual carriage, with a stop on right hand turns and a new access road built to Rivenhall. Access via Kelvedon will be dangerous both for the residents and existing vehicles that currently cause traffic problems in Kelvedon. HGVs will create noise and fume pollution.	See Appraisal
Rivenhall site is a place of 'natural beauty' local flora and fauna will be damaged by the development.	Ecological mitigation was proposed as part of the and has been reiterated as part of the proposals
Chimney will be seen from many houses in Kelvedon, which is as unacceptable as the traffic and the pollution from the site.	See Appraisal
Proposed development will create a nuisance residents of Kelvedon	See Appraisal
A contrived delay to amend the application by stealth; request that ECC re-evaluate the necessity of the entire development.	The application is for an extension of the commencement period only
Other facilities now sufficiently catering for local needs and it would be incomprehensible to develop a site to handle waste from other areas	See Appraisal
The road access is even more congested on a regular basis.	See Appraisal
"The Community Group" objects to the application on the grounds that so much has changed since the original permission was granted that the project needs re-appraisal.	See Appraisal
There are now anaerobic digesters in the County and recycling rates have increased significantly. As such, the balance between the viability and the environmental impact weighed up by the Inspector following the Public Inquiry has now changed.	The IWMF is permitted to receive Commercial & Industrial waste. MSW is now to be managed at Courtauld Road
Technical factors, such as height of flues, have now changed.	The facility would require an Environmental Permit issued by the EA
Recycling and Composting Facility (RCF) permission reference ESS/38/06/BTE, which provided for 404 HGV daily movements, is no longer extant and the highway situation should be looked at afresh in light of current situation on the A120 and A12.	See Appraisal
Inspector acknowledged in 2010 that the volume of traffic on the A120 has reached practical capacity and sections are regularly congested. Traffic congestion is now worse.	See Appraisal
Combined effects of conditions 3, 34 and 36 mean that the hours when HGV can enter and leave the site covers the whole peak periods when congestion of the A120 is chronic, particularly at the Galleys Corner	See Appraisal

Roundabout and the A120/A12 Junction.	
Now that economy has picked up, traffic will increase. Stansted Airport is also operating at only 50% of its approved passenger capacity.	See Appraisal
To approve the application would go against the approved Transport Strategy, which was based upon assumed planned growth figures for the Braintree district which are hopelessly out of date. The latest growth projections for the Braintree district are some 180% higher than previously planned. Such growth will add further traffic congestion.	See Appraisal
Recent spending of £650,000 on the Gallery Corner roundabout has nothing to ease congestion at this notorious bottleneck.	See Appraisal
Conditions 5, 27 and 41 amounts to self-regulation, which does not work.	5 (lorry movements), 27 (waste source records) & 41 (noise monitoring). Monitoring details would be provided by the operator, but if there was concern that these were inaccurate independent monitoring could be undertaken by the WPA
Condition 8 requires that vehicles shall access and egress the site only via the access onto the Coggeshall Rd junction. Experience with Bradwell Quarry suggests that the condition is of no effect as drivers not directly employed by the company are not covered.	Only access via the A120 is permitted by the development. Some members of the public do access the haul road despite signage to indicate it is private road.
HGV drivers ignore safety warnings at the Ash Lane and Church Rd junctions with the haul road and there have been several near misses and accidents. Approval would exacerbate the problem and members will be culpable for any accidents.	See Appraisal
Mineral Planning Authority have been lacking in checking compliance with planning approvals. It has been left to residents bring failings to attention. No reason to think IWMF will be any better.	A programme of routine monitoring is undertaken on all mineral sites. Compliance with conditions would be monitored
If applicants are intent on trying to progress the IWMF, the applicant ought to submit a fresh planning application with an application for an Environmental Permit at the same time, as recommended by DFRA Guidance.	An Environmental Permit would be required before the development could commence operation.
Proposed facility is not an appropriate use of Grade I agricultural land, it should be placed in an area of poor agricultural land/ previously developed land/ already degraded land.	The loss of agricultural land was considered and considered not be unacceptable.
Environment Agency has previously indicated that a stack height above 35 this would be required but that it was not likely that such a consent would be granted.	Any change to the height of the stack would require a planning application, which would have to be considered on its merits.
HGV movements associated with the waste transport are not sustainable on the road network and approval would exacerbate increased accidents.	See Appraisal
No evidence that "energy from waste" would benefit the local community	The facility would provide a waste management facility for waste generated in the Essex and local areas as controlled by condition.
Not true to say that the only place for the output of the Basildon plant to go is Rivenhall since the facility at Rivenhall would not be ready for some years and the requirement from Basildon MBT needs to be met in the very near future.	The use of residue from Courtauld Road in the IWMF would be subject to contract.
Insufficient public notice. Minimum legal requirements have been satisfied, however, it has not been well	Planning application advertised in accordance with the Statement of Community Involvement

publicised planning application and the council has failed in its duty of care to uphold a transparent and democratic process.	
The application has numerous changes and should not be viewed as a time extension, but a new planning application with a full public consultation.	No changes are proposed, only an extension to the commencement period.
Uncertainty for the local population	It is acknowledged that it would create a further period of uncertainty
Original business case for this development has not been met.	The facility is permitted to handle both MSW and C & I and therefore could be built as a merchant facility without the ECC waste contract.
Temporary planning consent for the access road has lapsed and is now in contravention of planning permission.	The haul road is permitted to be retained for Bradwell Quarry and would be shared by the IWMF
The applicant / landowner at the time of the original application was/is a Conservative councillor in London. This is a clear conflict of political interest as the Conservative party make up the majority of the Essex County Council. No disclosure.	This is not a planning issue. The Development & Regulation committee is made up of Members across the political groups. Ultimately the original application was determined by the SoS
'Planning Creep', by way of multiple applications. An underhanded method to get larger and larger facilities, including incineration, approved through the planning process.	Each individual planning application has to be considered on its merits
eRCF was not built not due to recession, but because business case was unsound.	No comment
Approximately 2 years ago the applicant tried to vary the consent for the eRCF (unsuccessfully) to split the plant into 2 phases, building the incinerator first. The whole aim would seem to be incineration and is not an integrated waste management facility.	The application to develop in 2 phases was withdrawn.
ECC aware that the unallocated mineral under the waste site could only be dug if the waste site was to proceed. Why did ECC grant consent for this site when it was not allocated and not needed to meet planning requirements?	Mineral beneath the IWMF was already included within the County's mineral landbank and landbank at that time was such that it was likely to fall below 7 years
Highways Agency should review the application (based on future predications for A120 traffic levels) for a time extension based on a new traffic study from the applicants.	See Appraisal
If approved, conditions should be attached to the approval including; a requirement for Environment Agency to issue a license for the incinerator stack, clarification of legality of the Blackwater Aggregates access road, a new traffic study, and s106 agreement to provide highway funding, funding to compensate for loss of amenity and reduction in property prices, funding for installation of pollution monitoring devices.	No changes other than a an extension of time are applied and there have been no material changes in policy or other material considerations which require further mitigation other than those set out within the appraisal.
There have been considerable changes to the proposals. Given the significance of the changes it is not appropriate to allow an extension and the whole case should be reviewed.	See above
Local authorities are making good progress in recycling more waste and reducing the need for landfill and incinerators. Construction of a large waste site and incinerator will prove a counterproductive measure and a financial disincentive to recycling efforts.	The facility would is unlikely to receive MSW and therefore would not impact upon LA recycling
Economic viability of a large site is difficult yet the proposed location is not suited to a large scale plant.	See Appraisal
No improvement in the roadways around Rivenhall. If a	See Appraisal

large waste site is deemed necessary, then a more suitable location with access less reliant on road haulage, away from centres of population and without high levels of environmental damage should be identified.	
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Planning conditions

Conditions as imposed by Secretary of State, incorporating the approved Non Material Amendment (ESS/37/08/BTE/NMA2) and amendment to condition 2 as applied for (ESS/41/14/BTE) and additional condition arising from consideration of the application.

Condition 16 suggested by the MPA was not used by the Secretary of State (SoS), such that there were 62 conditions. The unused number has now been removed such that all conditions from condition 16 inclusive and onwards have been renumbered. With the addition of the condition relating to the need for recording of the Woodhouse Farm and buildings, there are 63 conditions.

- 1 The development hereby permitted shall be begun before the 2 March 2016. Not less than 30 days prior notification of commencement of the development shall be given in writing to the Waste Planning Authority.
- 2 The development hereby permitted shall only be carried out in accordance with planning application PINS Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) dated 26 August 2008 and drawing numbers:

Drawing number	Drawing title
1-1	Land Ownership & Proposed Site Plan
1-2	Proposed Planning Application Area
1-4	Access Road Details
1-5A	Typical Arrangement and Architectural Features of the eRCF
1-8	Schematic Arrangement of Woodhouse Farm
1-9	eRCF Simplified Process Flow
1-10	eRCF Integrated Process Flow
3-3	Site Plan Layout
3-8C	eRCF General Arrangement
3-12C	eRCF Detailed Cross-Sections
3-14A	eRCF Upper Lagoon & Wetland Shelf
3-16	Services Plan
3-19B	eRCF General Arrangement
8-6	Landscape Mitigation Measures
IT569/SK/06	Proposed Improvements to Site Access Road Junction with Church Road
IT569/SK/07	Proposed Improvements to Site Access Road Junction with Ash Lane
19-2B	Tree Survey
19-3B	The Constraints and Protection Plan
19-5	eRCF Base Plan Woodhouse Farm

and

As amended by planning application ESS/41/14/BTE dated 5 August 2014,

letter from Holmes and Hills dated 5 August 2014, "Business development since obtaining planning permission" by R Keeble dated August 2014, "Overview of the adequacy of the existing EIA Assessment" by Honace dated August 2014, "Changes in case for need since September 2009" by R Keeble dated August 2014, Essex Biodiversity Checklist dated 4 August 2014 and letter from Holmes & Hills and enclosures dated 16 October 2014.

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following condition(s):

- 3 The total number of Heavy Goods Vehicle (HGV1) movements associated with the excavation of materials (i.e. overburden, sand, gravel, and boulder clay) and import and/or export of materials associated with the operation of the completed Integrated Waste Management Facility (IWFM2) hereby permitted shall not exceed the following limits:
404 movements 202 in and 202 out per day (Monday to Friday);
202 movements 101 in and 101 out per day (Saturdays);
and shall not take place on Sundays, Public or Bank Holidays, except for clearances from Household Waste Recycling Centres between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority. No HGV movements shall take place outside the hours of operation authorised in Conditions 34 & 36 of this permission.

1An HGV shall be defined as having a gross vehicle weight of 7.5 tonnes or more.
2 IWFM shall be defined as the buildings, structures and associated plant and equipment for the treatment of waste at the site.
- 4 The total number of HGV vehicle movements associated with the construction of the IWFM (including deliveries of building materials) when combined with the maximum permitted vehicle movements under Condition 3 shall not exceed the following limits:
404 movements 202 in and 202 out per day (Monday to Sunday).
No HGV movements shall take place outside the hours of operation authorised in Condition 35 of this permission.
- 5 A written record of daily HGV movements into and out of the site shall be maintained by the operator from commencement of the development and kept for the previous 2 years and shall be supplied to the Waste Planning Authority within 14 days of a written request. The details for each vehicle shall include the identity of the vehicle operator, the type and size of the vehicle, the vehicle registration number, and an indication of whether the vehicle is empty or loaded.
- 6 No development shall commence until full details of the extended access road and the layout of the cross-over points (both temporary and permanent) where the access road, both existing and proposed, crosses public footpaths, as shown on the Definitive Map and Statement of Public Rights of Way have been

submitted to and approved in writing by the Waste Planning Authority. The extended access road and cross-over points shall be implemented in accordance with the approved details.

- 7 No works on the construction of the IW MF shall commence until the access road extension and widening and all footpath cross-over points have been constructed.
- 8 No vehicles shall access or egress the site except via the access onto the Coggeshall Road (A120 trunk road) junction as shown on application drawing Figure 1-2.
- 9 No vehicles shall park on the haul road between the A120 and Ash Lane.
- 10 No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.
- 11 No airfield buildings and/or structures shall be demolished until the Level 3 survey in accordance with the 2006 English Heritage Guidance entitled "Understanding Historic Buildings: A Guide to Good Recording Practice" of the airfield buildings and/or structures has been completed.
- 12 No ecological management works affecting the moat adjacent to Woodhouse Farm shall commence until details of the proposed works and proposed water supply for the moat and a timescale for its implementation have been submitted to and approved in writing by the Waste Planning Authority. The works to the moat and water supply arrangements shall be implemented in accordance with the details approved.
- 13 No development shall commence until details of signage, telecommunications equipment and lighting within the Woodhouse Farm complex (comprising Woodhouse Farmhouse, the Bakehouse, and the listed pump together with the adjoining land outlined in green on Plan 1 (which can be found in the S106 agreement)) have been submitted to and approved in writing by the Waste Planning Authority. The signage, telecommunications equipment and lighting shall be implemented in accordance with the details approved.
- 14 No development shall commence until details of the design of the stack serving the IW MF have been submitted to and approved in writing by the Waste Planning Authority. The details to be submitted shall include:
 - (a) elevations, sections and plan views to appropriate scales and construction details;
 - (b) samples of the finish of the stack to provide a mirrored reflective surface; and
 - (c) information on the effect of weathering on the proposed stack material or how the effect of weathering is to be assessed by, for example the location on the site of examples of proposed materials which will be exposed to the elements and details of how the stack would be maintained to retain the quality

of the surface of these materials.

The stack shall be constructed and maintained in accordance with the details approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the details and samples approved

- 15 No development shall commence until design details and samples of the external construction materials, colours and finishes of the external cladding of the IWMF buildings and structures, and design and operation of the vehicle entry and exit doors, have been submitted to and approved in.
- 16 No development shall commence until a management plan for the CHP plant to ensure there is no visible plume from the stack has been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved plan.
- 17 No construction of the IWMF shall commence until details of the green roofs proposed for the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The green roofs shall be implemented in accordance with the details approved.
- 18 No works to install process equipment or plant within the IWMF shall commence until details of the IWMF process layout and configuration have been submitted to and approved in writing by the Waste Planning Authority. The development shall be implemented in accordance with the approved details.
- 19 No development shall commence until details of the construction compounds and parking of all vehicles and plant and equipment associated with the extraction of materials and the construction of the IWMF have been submitted to and approved in writing with the Waste Planning Authority. The details shall include location, means of enclosure and surfacing. The compounds and parking shall be implemented in accordance with the approved details.
- 20 No beneficial occupation of the IWMF shall commence until details of the provision to be made for and the marking out of parking spaces for cars, HGVs and any other vehicles that may use the IWMF have been submitted to and approved in writing by the Waste Planning Authority. The parking provision and marking out shall be implemented in accordance with the approved details. The parking areas shall be retained and maintained permanently for manoeuvring and parking. No HGVs shall park in the parking area adjacent to Woodhouse Farm complex except in relation to deliveries for the uses at Woodhouse Farm complex.
- 21 No development shall commence until a detailed scheme for foul water management, including details of the design and operation of the foul water system for the IWMF and Woodhouse Farm complex has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the details approved prior to the commencement of operation of the IWMF.

- 22 No development shall commence until a detailed scheme for surface water drainage and ground water management, including details of water flows between the Upper Lagoon and the New Field Lagoon has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 23 No excavation shall commence until a scheme of ground water monitoring for the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify the locations for the installation of boreholes to monitor groundwater and the frequency of monitoring. The scheme shall be implemented in accordance with the details approved prior to the commencement of excavations on the site.
- 24 No development shall commence until an investigation to identify whether the site is contaminated has been carried out and details of the findings including any land remediation and mitigation measures necessary should contamination be identified. The development shall be implemented in accordance with the approved details including any remediation and mitigation identified.
- 25 The market de-inked paper pulp plant shall only source its heat steam and energy from the IWMF with the exception of periods of start-up and maintenance and repair of the IWMF.
- 26 No waste, except pre-sorted waste paper and card and Solid Recovered Fuel, shall be brought on to the site other than that arising from within the administrative area of Essex and Southend-on-Sea. Records indicating the origin of all waste consignments and tonnages brought to the site shall be kept and made available for inspection by the Waste Planning Authority for at least 2 years after receipt of the waste. The records shall be made available to the Waste Planning Authority within 14 days of a written request.
- 27 (i) SRF shall be sourced internally from the IWMF 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 IWMF, then SRF arising from elsewhere within the East of England may be used up to the available capacity for a period up to three years from the date of the agreement of the Waste Planning Authority.
(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.
- 28 No waste other than those waste materials defined in the application shall enter the site for processing or treatment in the IWMF plant. No more than 853,000tpa of Municipal Solid Waste and/or Commercial and Industrial Waste shall be imported to the site.
- 29 (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.

30 No waste brought onto the site shall be deposited, handled, stored, composted or otherwise processed outside the IWMF buildings and structures.

31 All waste materials shall be imported and exported from the site in enclosed, containerised or sheeted vehicles.

32 No vehicle shall leave the IWMF site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

33 No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between the following hours:
07:00-18:30 hours Monday to Friday; and,
07:00 -13:00 hours Saturdays;
and shall not take place on Sundays, Bank and Public Holidays

except for water pumping, environmental monitoring and occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

34 The construction works (including deliveries of building materials) for the development hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless temporary changes are otherwise approved in writing by the Waste Planning Authority.

35 No waste or processed materials shall be imported or exported from any part of the IWMF other than between the following hours:
07:00 and 18:30 hours Monday to Friday; and,
07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays
except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays between 10:00 and 16:00 hours as required by the Waste Disposal Authority and previously approved in writing by the Waste Planning Authority.

36 No development shall commence until visible, legible and durable British Standard signs have been erected on both sides of the access road at the point

where footpaths as shown on the Definitive Map, cross the access road to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development.

- 37 Except for temporary operations, as defined in Condition 42, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level (LAeq 1 hour) at noise sensitive properties adjoining the Site, due to operations in the Site, shall not exceed the LAeq 1 hour levels set out in the following table:

Noise Sensitive Properties Location	Criterion dB LAeq 1 hour
Herring's Farm	45
Deeks Cottage	45
Haywards	45
Allshot's Farm	49
The Lodge	47
Sheepcotes Farm	45
Greenpastures Bungalow	45
Goslings Cottage	47
Goslings Farm	47
Goslings Barn	47
Bumby Hall	45
Parkgate Farm Cottages	45

Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

- 38 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 42 dB(A) LAeq 1 hour between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties, listed in Condition 38, adjoining the site. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface facing the site and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.
- 39 The free field Equivalent Continuous Noise Level (LAeq 1 hour) shall not exceed 40 dB(A) LAeq 5min between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade facing the site at noise sensitive properties, listed in Condition 38, adjoining the site.
- 40 Noise levels shall be monitored at three monthly intervals at up to five of the locations, listed in Condition 38, as agreed with the Waste Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for four separate 15 minute periods, two during the working day 0700 and 1830, and two during the evening/night time 18:30 to 07:00 hours, the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning

Authority. After the first year of operation of the IWMF, the frequency of the monitoring may be modified by agreement with the Waste Planning Authority.

- 41 For temporary operations at the site in relation to the excavation of materials, the free field noise level at sensitive properties, listed in Condition 38, adjoining the site shall not exceed 70dB LAeq 1 hour, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. Not less than 5 days written notice shall be given to the Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and other temporary activity as may be agreed, in advance of works taking place, with the Waste Planning Authority.
- 42 No lighting for use during excavation of materials or construction of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details with respect to excavation of materials shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The lighting details with respect to construction of the IWMF shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1900 Monday to Sunday and at no time on, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 43 No lighting for use during operation of the IWMF within the site shall be erected or installed until details of the location, height, design, sensors, times and luminance have been submitted to and approved in writing by the Waste Planning Authority. The lighting details shall be such that no lighting shall exceed 5 lux maintained average luminance. The lighting details shall be such that the lighting shall not be illuminated outside the hours of 0700 and 1830 Monday to Friday and 0700 and 1300 Saturday and at no time on Sundays, Bank or Public Holidays except for security and safety lighting activated by sensors. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage from the boundaries of the site. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.
- 44 No development shall commence until a detailed phasing scheme for the construction of the access road for the creation of the retaining wall around the site of the IWMF and extraction of the minerals from the site has been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

45 No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted to and approved in writing by the Waste Planning Authority. The development shall be carried out in accordance with the details approved.

46 Unless otherwise agreed in writing by the Waste Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition 3 and no movement of soils shall take place:
During the months November to March (inclusive);

(a) When the upper 50 mm of soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS1377:1977, 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or

(b) When there are pools of water on the soil surface.

3 The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

47 No minerals processing other than dry screening of excavated sand and gravel or in the reformation of levels using Boulder or London Clays shall take place within the site.

48 Any fuel, lubricant or/and chemical storage vessel whether temporary or not shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the duration of the development.

49 Prior to the commencement of development, details of any temporary or permanent site perimeter fencing shall be submitted to and approved in writing by the Waste Planning Authority. The fencing shall be erected in accordance with the details approved.

50 (a) No development shall take place until a scheme and programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include the suppression of dust caused by the moving, processing and storage of soil, overburden, stone and other materials within the site during excavation of materials and construction of the IWMPF

(b) No beneficial occupation of the IWMPF shall commence until a scheme and

programme of measures for the suppression of dust, have been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include:

- (i) ; The suppression of dust caused by handling, storage and processing of waste; and
- (ii) Dust suppression on haul roads, including speed limits.

In relation each scheme provision for monitoring and review.

The development shall be implemented in accordance with the approved schemes and programme for the duration of the development hereby permitted.

- 51 (a) No development shall commence until details of measures to control any fugitive odour from the excavation of materials and construction of the IWMF have been submitted to and approved in writing by the Waste Planning Authority the measures shall be implemented as approved.
(b) No beneficial occupation of the IWMF shall commence until details of equipment required to control any fugitive odour from the handling/storage/processing of waste have been submitted to and approved in writing by the Waste Planning Authority. The details shall be implemented as approved.
- 52 An ecological survey shall be undertaken such that it is no more than 2 years old by the date of commencement of development, this survey shall update the information contained within the Environmental Statement and submitted and approved on 27 July 2011 in accordance with condition 53 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE). The information approved was letter dated 19 May 2011 from Golder Associates with accompanying form Ecology report dated October 2010. The updated ecology report shall be used to assess the impact of the development and if required mitigation measures as set out within the Environmental Statement updated and amended to mitigate any impacts. Prior to the commencement of development, the ecological survey assessment of impact and any updated and amended mitigation shall be submitted to and approved in writing by the Waste Planning Authority. Any updated or amended mitigation shall be carried out in accordance with the approved details.
- 53 No development shall commence until an habitat management plan including details of the proposed management and mitigation measures described in the Environmental Statement (amended) and the Habitat Management Plan dated May 2011 [as amended by emails from Golder Associates dated 13 July 2011 (18:22) and attachment and 18 July 2011 (15:30) and attachment] submitted in May 2011 in accordance with condition 54 of planning permission Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) and approved on 27 July 2011 has been submitted to and approved in writing by the Waste Planning Authority. The amended plan shall include:
(i) Description and evaluation of the features to be managed; (ii) Ecological trends and constraints on site that may influence management; (iii) Aims and objectives of management; (iv) Appropriate management options for achieving aims and objectives; (v) Prescriptions for management actions; (vi) Preparation

of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually); (vii) Personnel responsible for implementation of the plan; and, (viii) Monitoring and remedial/contingencies measures triggered by monitoring. The development shall be implemented in accordance with the approved amended plan.

- 54 No demolition, excavation works or removal of hedgerows or trees shall be undertaken on the site during the bird nesting season [1 March to 30 September inclusive] except where a suitably qualified ecological consultant has confirmed that such construction etc should not affect any nesting birds. Details of such written confirmations shall be sent to the Waste Planning Authority 14 days prior to commencement of the works.
- 55 Only one stack shall be erected on the site to service all elements of the IWMF. The height of the stack shall not exceed 85 m Above Ordnance Datum.
- 56 No development shall commence until details and a timetable for implementation for all bunding and planting have been submitted to and approved in writing by the Waste Planning Authority. The planting details shall include species, sizes, spacing and protection measures. The bunding details shall include shape and angles of slope and depth of soils. The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 58 of this permission. The bunding and planting details and timetable for implementation shall be implemented in accordance with the approved details.
- 57 Any tree or shrub forming part of the retained existing vegetation or the planting scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of construction of the IWMF, shall be replaced during the next available planting season (October-March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.
- 58 No development shall commence until details of tree retention and protection measures have been submitted to and approved in writing by the Waste Planning Authority. The details shall include indications of all existing trees, shrubs and hedgerows on the site and on the immediate adjoining land together with measures for their protection and the approved scheme shall be implemented in accordance with the details approved.
- 59 No development shall commence until a scheme for the management and watering of trees adjacent to the retaining wall surrounding the IWMF for the period of the excavation of materials and construction of the IWMF, and throughout the first growing season after completion of construction where necessary, has been submitted to and approved in writing by the Waste Planning Authority. The management and watering of trees shall be carried out in accordance with the scheme approved.

- 60 No beneficial use of Woodhouse Farm shall commence until details of the layout of the adjacent parking area including hard and soft landscaping and lighting have been submitted to and approved in writing by the Waste Planning Authority. The parking area shall be provided in accordance with the details approved prior to beneficial use of Woodhouse Farm.
- 61 Prior to commencement of development, details of traffic calming measures designed to reduce the speed of traffic using the access road in the vicinity of the River Blackwater so as to protect potential crossing places for otters and voles, shall be submitted to and approved in writing by the Waste Planning Authority. The traffic calming measures shall be provided in accordance with the details approved.
- 62 Prior to commencement of development, details of the lining and signing of the crossing points of the access road with Church Road and Ash Lane shall be submitted to and approved in writing with the Waste Planning Authority. The lining and signing shall require users of the access road to “Stop” rather than “Give Way”. The details shall be implemented as approved.
- 63 No development shall take place until a written scheme and programme of historic building recording for Woodhouse Farm and buildings (including Bakehouse/Brewhouse & pump) has been submitted to and approved in writing by the Mineral Planning Authority. The written scheme and programme of historic building recording shall be implemented prior to the commencement of any demolition, works or conversion of any kind taking place at Woodhouse Farm and buildings.